

TITLE 8

PUBLIC UTILITIES

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CHAPTER 1

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ARTICLE 1. GENERAL PROVISIONS

8-1-101: GENERAL PROVISIONS; PURPOSE AND POLICY:

A. Purpose: This chapter sets forth uniform requirements for discharges to the publicly owned treatment works (POTW), sewer system and storm drain system for the City of Burbank and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code 1251 et seq.) and the general pretreatment regulations (40 Code of Federal Regulations Part 403).

B. Objectives: The objectives of this chapter are:

1. To prevent the introduction of pollutants into a POTW that will interfere with its operation;
2. To prevent the introduction of pollutants into a POTW that will pass through a POTW, inadequately treated, into receiving waters, or otherwise be incompatible with a POTW;
3. To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
4. To promote reuse and recycling of industrial wastewater and sludge from a POTW;
5. Prevent any discharge which may interfere with the operation of the storm drain system or pollute the waters of the State;
6. To provide for fees, charges, and penalties for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW, related programs, and the storm drain system;
7. To provide for monitoring and enforcement activities; and
8. To enable the City to comply with its national pollutant discharge elimination system permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the POTW and storm drain system are subject. [Formerly numbered Section 25-2. Amended by Ord. No. 3677, eff. 8/20/05; 3137, 3035, 2589.]

8-1-102: DEFINITIONS AND ABBREVIATIONS²:

A. DEFINITIONS: Unless explicitly indicated otherwise, for the purpose of this article, the following words and phrases are defined and shall be defined as follows:

ACT or the ACT: Shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

APPROVAL AUTHORITY: Shall mean the California Environmental Protection Agency, State Water Resources Control Board, and the California Regional Water Quality Control Board - Los Angeles Region. If any of these agencies changes its name, the authority granted in this code will be transferred to the newly named agency.

2. State law reference: As to definitions, see Health & S.C. § 5410.

AUTHORIZED REPRESENTATIVE: Of the User shall mean:

(1) If the User is a corporation:

(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

AVERAGE DAILY FLOW: Shall mean the number of gallons of sewage discharged into the public sewers during a twenty-four (24) hour period.

BEST MANAGEMENT PRACTICES: or BMPs: Shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions set forth in Section 8-1-501.1-3. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

BIOCHEMICAL OXYGEN DEMAND or BOD: "Shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° Celsius, measured in milligrams per liter as described in *Standard Methods for the Examination of Water and Wastewater*, a joint publication of the American Public Health Association, the American Water Works Association, and the Water Environment Federation.

BUILDING SEWER: Shall mean that part of the sewer piping beginning two (2) feet from the exterior wall of a building structure or foundation and extending to a connection with the public sewer.

CATEGORICAL PRETREATMENT STANDARD or CATEGORICAL STANDARD: Shall mean any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C.1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

CESSPOOL: Shall mean an excavation or underground structure which receives any discharge of a drainage system and is constructed to retain organic matter and solids discharged therein, but which permits the liquids to seep through the bottom and sides.

CHIMNEY: Shall mean a vertical section of a sewer pipe extending either from a tee set ninety (90) degrees to the main line, or from a wye. All Chimneys will be suitably reinforced with concrete. Chimneys constructed with a wye shall include a one-eighth bend set vertically.

CITY: Shall mean the City of Burbank or its duly authorized representatives.

CLARIFIER: Shall mean a device or structure which separates and retains suspended solids, settleable solids, deleterious, or undesirable matter from wastes prior to discharge into the public sewer.

CONTROL MECHANISM: Shall mean wastewater discharge permit, wastewater discharge authorization, or special agreement.

DIRECTOR: Shall mean the Public Works Director of the City of Burbank or his or her designee.

DOMESTIC WASTEWATER (DOMESTIC SEWAGE): Shall mean water bearing wastes derived from the ordinary living processes and of such character as to permit satisfactory disposal to, and treatment in, a POTW.

EFFLUENT: Shall mean the liquid flowing out of any facility operated for treatment of sewage or industrial waste.

ENVIRONMENTAL PROTECTION AGENCY or EPA: Shall mean the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

EXISTING SOURCE: Shall mean any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

FOOD SERVICE ESTABLISHMENT: Shall mean a facility engaged in preparing food for consumption by the public such as a restaurant, commercial kitchen, caterer, hotel, school, hospital, prison, correctional facility, or care institution.

GRAB SAMPLE: Shall mean a sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

GREASE INTERCEPTOR: Shall mean an interceptor of at least 750 gallons capacity to serve one or more fixtures and which shall be remotely located.

GREASE TRAP: Shall mean a device designed to retain grease from one to a maximum of four fixtures.

GROSS FLOOR AREA: Shall mean the area included within the exterior of the surrounding walls of a building or portions thereof, exclusive of courts.

INDIRECT DISCHARGE: Shall mean the introduction of pollutants into a POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.

INDUSTRIAL WASTE PRETREATMENT: Shall mean any works or device for the treatment of industrial waste prior to discharge into the public sewer.

INDUSTRIAL WASTEWATER (INDUSTRIAL WASTE): Shall mean any water bearing waste excluding domestic wastewater.

INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMIT: Shall mean the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any sample collected, independent of the industrial flow rate and the duration of the sampling event.

INTERCEPTOR SEWER: Shall mean a collecting sewer that intercepts and collects the sewage from a number of building sewers or local public sewers.

INTERFERENCE: Shall mean a discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts a POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the City's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

LOT: Shall mean any piece or parcel of land, as bounded, defined or shown upon the latest map, plat or deed recorded in the office of the County Recorder of Los Angeles County, provided, however, that in the event any building or improvements appurtenant to said building covers more area than a "lot," as herein defined, the term "lot" shall be deemed to be and include all such pieces or parcels of land upon which said buildings or improvements are wholly or partly located.

MAINTENANCE HOLE: Shall mean an access structure to a public sewer or storm drain, usually located in a street, alley or right-of-way, usually covered by a flat metal hatch.

MEDICAL WASTE: Shall mean cultures and stocks of infectious agents and associated biologicals, including cultures from medical and pathological laboratories, cultures and stocks

of infectious agents from research and industrial laboratories, wastes from the production of biologicals, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate, and mix cultures; pathological wastes, including tissues, organs, and body parts that are removed during surgery or autopsy; waste human blood and products of blood, including serum, plasma, and other blood components; sharps that have been used in patient care or in medical, research, or industrial laboratories, including hypodermic needles, syringes, pasteur pipettes, broken glass, and scalpel blades; contaminated animal carcasses, body parts, and bedding of animals that were exposed to infectious agents during research, production of biologicals, or testing of pharmaceuticals; wastes from surgery or autopsy that were in contact with infectious agents, including soiled dressings, sponges, drapes, lavage tubes, drainage sets, underpads, and surgical gloves; laboratory wastes from medical, pathological, pharmaceutical, or other research, commercial, or industrial laboratories that were in contact with infectious agents, including slides and cover slips, disposable gloves, laboratory coats, and aprons; dialysis wastes that were in contact with the blood of patients undergoing hemodialysis, including contaminated disposable equipment and supplies such as tubing, filters, disposable sheets, towels, gloves, aprons, and laboratory coats; discarded medical equipment and parts that were in contact with infectious agents; biological waste and discarded materials contaminated with blood, excretion, exudates or secretion from human beings or animals who are isolated to protect others from communicable diseases; and such other waste material that results from the administration of medical care to a patient by a health care provider and is found to pose a threat to human health or the environment.

MUNICIPAL SERVICE BILL: Shall mean a bill that is sent to a person for any municipal services rendered to that person, property, or location.

NATIONAL PRETREATMENT STANDARD, PRETREATMENT STANDARD or STANDARD: Shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT (NPDES PERMIT): Shall mean a permit issued pursuant to Section 402 of the Act.

NEW SOURCE: Shall mean:

(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

- (a) Begun, or caused to begin, as part of a continuous onsite construction program
 - (i) any placement, assembly, or installation of facilities or equipment; or
 - (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
- (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

NONCONTACT COOLING WATER: Shall mean water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS) CODE: Shall mean a classification pursuant to the North American Industry Classification System Manual issued by the United States Office of Management and Budget.

PASS THROUGH: Shall mean a discharge which exits a POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit, including an increase in the magnitude or duration of a violation.

PEAK FLOW: Shall mean the maximum thirty (30) minute rate of wastewater flow to be generated from the premises as estimated by the Director.

PERSON: Shall mean any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

PH: Shall mean a measure of the acidity or alkalinity of a solution, expressed in standard units.

POLLUTANT: Shall mean dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, toxicity, or odor).

POLLUTION: Shall mean an impairment in the quality of the underground or surface waters by sewage or industrial waste which adversely affects the use of such waters for domestic, industrial, agricultural, or other beneficial purposes.

PRETREATMENT: Shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into a POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

PRETREATMENT REQUIREMENTS: Shall mean any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

PROHIBITED DISCHARGE STANDARDS or PROHIBITED DISCHARGES: Shall mean absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 8-1-501 of this chapter.

PUBLIC SEWER: Shall mean any sewer, other than a portion of building sewer within the street or public right of way, which has been constructed in a public street, alley, walk, or other public place, or in an easement.

PUBLICLY OWNED TREATMENT WORKS or POTW: Shall mean a TREATMENT WORKS, as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

RULES, POLICIES AND GUIDELINES: Shall mean rules, policies and guidelines prescribed by the Director governing the disposal of industrial wastewater to the sanitary sewer, storm drain systems of the City of Burbank or to the Waters of the State.

SEPTIC TANK: Shall mean a watertight receptacle which receives the discharge from a sewer system, which retains solids, digests organic matter, and permits the liquids to discharge into the soil through a cesspool, leach-field or other method.

SEPTIC TANK WASTE: Shall mean any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

SEWAGE: Shall mean human excrement and gray water (household showers, dishwashing operations, etc.).

SANITARY SEWER: Shall mean the conduit that carries wastewater in the sanitary sewer system.

SANITARY SEWER SYSTEM: Shall mean all of the property involved in the collection, treatment and disposal of wastewater of the community including land, sewers and appurtenances, pumping stations, treatment works and equipment.

SIGNIFICANT INDUSTRIAL USER: Shall mean:

- (1) A user subject to categorical pretreatment standards; or
- (2) A user that:
 - (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW or public sewer (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
 - (b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW; or
 - (c) Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- (3) Upon a finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting a POTW's operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

SIGNIFICANT NONCOMPLIANCE: Shall mean a violation by a significant industrial user that meets one or more of the following criteria, or any user whose violation(s) meets criteria (3), (4) or (8):

- (1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6 month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);
- (2) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6 month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- (3) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Director determines has caused, alone or in combination with other Discharges, Interference or Pass Through, (including endangering the health of POTW personnel or the general public);
- (4) Any discharge of pollutants that have caused imminent endangerment to human health, welfare or to the environment or has resulted in the Director's exercise of his/her emergency authority under Section 8-1-509.7 to halt or prevent such a discharge;
- (5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide, within 45 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance; or
- (8) Any other violation or group of violations, which may include a violation of Best Management Practices, which the Director determines will adversely affect the operation or implementation of the local Pretreatment program.

SLUG LOAD or SLUG: Shall mean any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 8-1-501 of this chapter.

SOLID WASTES: Shall mean wastes that are not water-carried and that are suitable for disposal with refuse at sanitary landfill refuse disposal sites.

STANDARD LABORATORY PROCEDURE: Shall mean the procedures as set forth in the *Standard Methods for the Examination of Water and Wastewater*, a joint publication of the American Public Health Association, the American Water Works Association, and the Water Environment Federation.

STATE: Shall mean the State of California.

STORM DRAIN SYSTEM: Shall mean all of the property involved in the operation of the storm drainage collection, treatment and disposal system in the City of Burbank, including conduits, natural or artificial drains, channels and watercourses, together with appurtenances, pumping stations and equipment.

STORM WATER: Shall mean any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including storm water runoff, surface runoff, snowmelt runoff and drainage.

SUSPENDED SOLIDS: Shall mean the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering, measured in milligrams per liter as described in *Standard Methods for the Examination of Water and Wastewater*, a joint publication of the American Public Health Association, the American Water Works Association, and the Water Environment Federation.

TAP: Shall mean the forming of a connection to a public sewer after the sewer is in place.

TRADE SECRETS: Shall mean any formulas, plans, processes, tools, mechanisms, procedures, compilations of information, or other materials or methods which are not patented, which are known only to certain individuals within a commercial concern and are used to fabricate, produce or compound an article of trade or a service having commercial value, and which provide an opportunity for a business advantage over competitors.

USER or INDUSTRIAL USER: Shall mean a source of indirect discharge.

WASTEWATER DISCHARGE AUTHORIZATION: Shall mean the revocable permission to discharge wastewater to the public sewer subject to technically based limits on wastewater constituents and characteristics.

WASTEWATER DISCHARGE PERMIT: Mean the periodically renewable, revocable permission to discharge non-residential wastewater to the public sewer subject to technically based limits on wastewater constituents and characteristics.

WASTEWATER: Shall mean liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to a POTW.

WASTEWATER TREATMENT PLANT or TREATMENT PLANT: Shall mean that portion of a POTW which is designed to provide treatment of municipal sewage and industrial waste.

WATERCOURSE: Shall mean a natural or artificial channel for the flow of storm or surface waters.

WATERS OF THE STATE: Shall mean all saline waters, streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State of California or any portion thereof.

WYE SADDLE: Shall mean a short pipe fitting with a shoulder at one end to allow the application of a fitting to a hole tapped in the public sewer forming a forty-five (45) degree angle to the public sewer pipe.

B. ABBREVIATIONS: The acronyms of sets of letters set forth in this subsection, when used in this chapter, shall stand for and be understood and may be accepted or used as abbreviations for those terms or phrases set forth opposite each:

BOD	-	Biochemical Oxygen Demand
CFR	-	Code of Federal Regulations
CRWQCB	-	California Regional Water Quality Control Board
EPA	-	U.S. Environmental Protection Agency
gpd	-	gallons per day
mg/l	-	milligrams per liter
NPDES	-	National Pollutant Discharge Elimination System
POTW	-	Publicly Owned Treatment Works
RCRA	-	Resource Conservation and Recovery Act
NAICS	-	North American Industry Classification System
TSS	-	Total Suspended Solids
U.S.C.	-	United States Code. [Formerly numbered Section 25-1. Amended by Ord. No. 3739, eff. 5/23/08; 3721, 3677, 3137, 3035, 2589.]

8-1-103: APPLICABILITY:

A. Facilities: This chapter shall apply to all sanitary sewer and storm drain facilities in the City, including public sewers, building sewers, industrial/commercial connection sewers, interceptors, the storm drain system, sewage and industrial waste treatment plants, sewage pumping plants, and their appurtenances.

B. Discharges: This chapter shall apply to all discharges to the sanitary sewer or storm drain system of the City. [Formerly numbered Section 25-2.1. Amended by Ord. No. 3677, eff. 8/20/05; 3137, 3035; 2589.]

8-1-104: LIQUID WASTE DISPOSAL POLICY (GENERAL):

A. General: Liquid wastes originating within the City shall be removed by the City sanitary sewer system unless the wastes damage structures, create nuisances such as odors, menace public health, safety and welfare, impose unreasonable collection, treatment or disposal costs on the City, violate requirements prescribed by government agencies, interfere with wastewater treatment processes, or detrimentally affect the environment, as determined by the Director. No person shall introduce or cause to be introduced into the POTW or public sewer any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW and/or public sewer whether or not they are subject to categorical pretreatment standards or any other Federal, State, or local pretreatment standards or requirements.

B. Sewer Connection Required: Every building or structure in which plumbing fixtures are installed, and every premises having piping thereon which conveys wastewater or other liquid waste, shall be connected to the sanitary sewer system.

C. Highest and Best Use: The highest and best use of the City sewer system is the conveyance, treatment and disposal of domestic wastewater.

D. Water Reclamation: In compliance with requirements of applicable Federal and State agencies, the City is committed to a policy of wastewater reclamation and reuse in order to provide an alternate source of water for nonpotable use and to reduce costs of wastewater treatment and disposal. [Formerly numbered Section 25-2.3. Amended by Ord. No. 3677, eff. 8/20/05; 3137, 3035, 2589.]

8-1-105: INDUSTRIAL WASTEWATER DISPOSAL; GENERAL PROVISIONS:

A. Policy: It is the policy of the City of Burbank to assure that the highest and best use of the POTW and public sewer system is for the collection, treatment and disposal of domestic wastewater, and that the highest and best use of the storm drain system is for the collection and disposal of storm water. The use of the sanitary sewer system for industrial wastewater is a privilege which is subject to the requirements of this article, and all applicable Federal, State, or local regulations.

B. Scope: This section provides for the regulation of dischargers to the POTW, the public sewers, the storm drain system, and waters of the State through the issuance of control mechanisms containing specific discharge requirements and through enforcement of general discharge prohibitions; authorizes monitoring and enforcement activities; imposes reporting requirements on specific permittees; and sets fees for the recovery of program costs. This section shall apply to all dischargers within the City of Burbank and to all persons outside the City of Burbank who discharge to the City's sewer system. Except as otherwise provided herein, the Director shall administer, implement and enforce the provisions of this section. [Amended by Ord. No. 3677, eff. 8/20/05; 3137.]

8-1-106: MINIMUM STANDARDS FOR SEWAGE PLANTS:

Private sewage and industrial waste pretreatment systems and facilities shall produce effluents for discharge to the City sanitary sewer that meet requirements of the Director as described in this chapter and/or a wastewater discharge permit. If the discharge is to a storm drain system, the requirements of the CRWQCB and applicable sections of this code must be met. [Formerly numbered Section 25-105. Amended by Ord. No. 3677, eff. 8/20/05; 3137, 3035, 2589.]

8-1-107: MAINTENANCE OF SEWERS, CLARIFIERS, PRIVATE SEWAGE AND INDUSTRIAL WASTE PRETREATMENT SYSTEM AND APPURTENANCES:

All building sewers, clarifiers, sewage and industrial waste pretreatment facilities, sewage pumping plants and their appurtenances shall be maintained in good operating condition and in conformity with applicable law by the owner of the property which such facilities serve. [Formerly numbered Section 25-106. Amended by Ord. No. 3677, eff. 8/20/05; 3137, 3035, 2589.]

8-1-108: BURBANK FEE RESOLUTION:

All fees, penalties, refunds, reimbursements, and charges of any kind collected by the City pursuant to the provisions of this chapter shall be specified in the Burbank Fee Resolution, as amended by the Council from time to time. Whenever applicable throughout this chapter, reference shall be made to the Burbank Fee Resolution in lieu of any reference to specific fee amounts. [Added by Ord. No. 3035. Amended by Ord. No. 3677, eff. 8/20/05; 3137.]

8-1-109: RULES, POLICIES AND GUIDELINES:

The Director may prescribe from time to time as the Director deems necessary or desirable, rules, policies and guidelines, not in conflict with this chapter, relating to conditions of service and application, administration, and interpretation of rates in the Burbank Fee Resolution, and the provisions set forth in this chapter. Upon any failure to comply with the rules, policies and guidelines of the Director, or to pay rates or to pay any fee, charge, or penalty prescribed by this chapter or as may be provided in the Burbank Fee Resolution, sewer service may be disconnected until the rules, policies and guidelines have been complied with and all appropriate fees, charges, or penalties have been paid. [Added by Ord. No. 3035. Amended by Ord. No. 3677, eff. 8/20/05; 3137.]

ARTICLE 2. ADMINISTRATION AND ENFORCEMENT

8-1-201: ADMINISTRATION BY DIRECTOR³:

The Director shall administer and enforce the provisions of this chapter and supervise the construction of public sewers and storm drains in streets and public easements owned by the City. Nothing in this section shall be construed as limiting or otherwise affecting the powers and duties of the Health Officer. [Formerly numbered Section 25-7. Amended by Ord. No. 3677, eff. 8/20/05; 3137, 3035, 2589.]

8-1-202: ADOPTION OF RULES, POLICIES AND GUIDELINES:

The Director may prescribe rules, policies and guidelines not inconsistent with this chapter as are reasonably necessary for the lawful and efficient operation of the sewer system of the City. Such rules, policies and guidelines shall become effective when adopted by the Director. [Formerly numbered Section 25-8. Amended by Ord. No. 3677, eff. 8/20/05; 3137, 3035, 2589.]

8-1-203: ENTRY AND INSPECTION ON PRIVATE PROPERTY:

A. Entry: Except as otherwise provided in Article 5 of this chapter, in administering and enforcing the provisions of this chapter, the Director may at any reasonable hour enter upon any premises, subject to approval of the occupant, or if refused, after obtaining an appropriate warrant.

B. Emergency Entry; Denial Constitutes Misdemeanor: Notwithstanding the foregoing, if the Director has reasonable cause to believe that there are violations of this chapter occurring that are so hazardous, unsafe or dangerous as to require immediate inspection to protect the public health or safety, he/she shall have the right to immediately enter and inspect such property, and may use any reasonable means required to effect such entry and make such inspection, whether such property be occupied or unoccupied and whether or not permission to inspect has been obtained. If the property is occupied, he/she shall first present proper credentials to the occupant and demand entry, explaining his/her reasons therefor and the purpose of his/her inspection. Failure or refusal to permit inspection shall constitute a misdemeanor.

C. Inspection: Except as otherwise provided in Article 5 of this chapter, inspection of every facility involved with the discharge of wastewater of the City sewer system may be made by the Director. These facilities shall include, but not be limited to, sewers, sewage pumping plants, pollution control plants, all industrial processes, industrial wastewater generation, conveyance and pretreatment facilities, and similar facilities. Inspections may be made to determine whether such facilities comply with the provisions of this chapter.

3. State law reference: As to construction of sewers, see Gov.C. § 38900.

Access to such facilities shall be given to authorized personnel of the City at all reasonable times and whenever emergency conditions exist. Any obstruction to access to the sewage facility to be inspected shall promptly be removed by the facility user or owner at the written or verbal request of the Director and shall not be replaced.

No person shall interfere with, delay or refuse entrance to authorized City personnel attempting to inspect any facility connected directly or indirectly to the City sewer system. [Formerly numbered Section 25-205. Amended by Ord. No. 3677, eff. 8/20/05; 3137, 3035, 2589.]

8-1-204: PURPOSE OF INSPECTIONS:

In addition to provisions relating to the inspection of industrial wastewater facilities as set forth herein, the Director may enter private property to exercise any power vested in him/her by this chapter, including, but not limited to, the power to determine:

- A. The size, depth and location of any connection with a public sewer or storm drain;
- B. The quantity, quality and nature of industrial waste, sewage or surface waters being discharged into a public sewer, storm drain or watercourse;
- C. The effectiveness of any device used to prevent waste prohibited by this chapter from entering any sewer, storm drain or watercourse;
- D. The location of roof, swimming pool and surface drains, and whether they are connected to street gutter, storm drain or sewer;
- E. The nature and quantity of flow in any open watercourse or storm drain;
- F. The nature of liquids and the condition of processing equipment which are a potential hazard to the City sewer system;
- G. Whether there is compliance with the provisions of this chapter. [Formerly numbered Section 25-206. Amended by Ord. No. 3677, eff. 8/20/05; 3137, 3035, 2589.]

8-1-205: SEWER ENTERPRISE FUND:

All fees received by the City under this chapter shall be deposited in a Sewer Enterprise Fund maintained by the City Treasurer. The monies received and interest thereon shall be used for the operation, maintenance, and expansion of the City sanitary sewer and storm drain system except as limited by Section 8-1-206 of this article. [Formerly numbered Section 25-212. Amended by Ord. No. 3677, eff. 8/20/05; 3137, 3035, 2589.]

8-1-206: RESERVE ACCOUNTS:

The Sewer Enterprise Fund shall include several restricted use accounts including replacement account, capital account, and operations reserve account.

A. Replacement Account: Monies added to the replacement account each year shall be equal to the amount of depreciation regularly accounted in the books of the Sewer Enterprise Fund. Monies accumulated in the replacement account shall be expended on capital replacement, including equipment acquisition and facilities construction whether by contract or by force account.

B. Capital Account: Monies added to the capital account shall be revenue generated by sewer facilities charges. Monies accumulated in the capital account shall be expended on capital expansion projects.

C. Operations Reserve Account: Monies added to the operations reserve account shall be the amount budgeted each year to be funded from revenue generated from sewer service charges. Monies accumulated in the operations reserve account are intended to cover extraordinary operation and maintenance cash requirements and monies may be transferred out of the operations reserve account by the Director at any time. [Added by Ord. No. 3035. Amended by Ord. No. 3677, eff. 8/20/05; 3137.]

ARTICLE 3. CONNECTION TO PUBLIC SEWERS⁴

8-1-301: PERMIT:

A. Permit Required: No person shall construct new public sewers or portions of building sewer within the street or public right of way or connect to, repair, or tap an existing public sewer or portion of building sewer within the street or public right of way of this City or maintain a connection or tap to such sewer without obtaining approval from the Director. A condition of approval may include an approved study demonstrating that sufficient capacity exists in the sewer system to handle the new connection. Approval may be given through a permit process or by signature on engineered plans.

B. Plans and Specifications: Sewerage construction shall meet all design requirements as established by the Director. [Formerly numbered Section 25-18. Amended by Ord. No. 3677, eff. 8/20/05; 3137, 3035.]

8-1-302: EXCAVATIONS:

No permit to connect to or tap a public sewer shall be issued unless a permit is also obtained under Title 7, Chapter 1, Article 2 of this code, if applicable. [Formerly numbered Section 25-19. Amended by Ord. No. 3677, eff. 8/20/05; 3137, 3035.]

8-1-303: WHEN EASEMENT REQUIRED:

No permit shall be issued to connect a building sewer to a public sewer if the connection or any portion thereof is in, under, or on a lot not owned by the person whose building is to be connected and no recorded easement exists authorizing the connection of such lot. [Formerly numbered Section 25-20. Amended by Ord. No. 3677, eff. 8/20/05; 3137, 3035, 2589.]

8-1-304: EXCESSIVE DISCHARGE OF SEWAGE:

The Director may require a discharger to restrict discharge until sufficient capacity is available, or to construct a public sewer to provide sufficient capacity. The City may refuse service to persons locating facilities in areas where their proposed quantity or quality of sewage or industrial wastewater is unacceptable, as determined by the Director. A condition of approval for redevelopment may include an approved study demonstrating that sufficient capacity exists in the sewer system to handle the proposed discharge increase. [Formerly numbered Section 25-21. Amended by Ord. No. 3677, eff. 8/20/05; 3137, 3035, 2589.]

4. State law reference: As to provisions relating to compulsory connection with sewage system, see Gov.C. § 54352; Health & S.C. §§ 4762, 5463.

8-1-305: ENVIRONMENTAL IMPACT REPORT:

No permit to connect to or tap a public sewer shall be issued if the proposed use of the public sewer may have a significant effect on the environment until an environmental impact report is prepared, processed and considered in accordance with the provisions of Title 9, Chapter 3, Article 1, of this code. [Added by Ord. No. 2383. Amended by Ord. No. 3677, eff. 8/20/05; 3137, 3035.]

8-1-306: SEWAGE DISCHARGED FROM ANIMALS:

This section shall apply to all animal care, animal boarding, animal washing or grooming facilities, and all similar types of facilities. All wastewater such as animal excretions, flushing water from areas accessible to animals shall be discharged into the City sewers. Rainfall and runoff waters from unpaved areas shall not be discharged into the City sewers. Before causing any such discharge, a wastewater discharge permit shall be obtained from the Director. [Added by Ord. No. 2589. Amended by Ord. No. 3677, eff. 8/20/05; 3137, 3035.]

8-1-307: FEES⁵:

Except as otherwise provided in this chapter, no permit to connect to or tap a public sewer shall be issued until the prescribed sewer connection fee has been paid to the City. [Formerly numbered Section 25-22. Amended by Ord. No. 3677, eff. 8/20/05; 3137, 3035, 2589.]

8-1-308: SPECIFICATION AND GRADE:

Connections to public sewers shall comply with the following:

A. Portions of building sewers within the street or public right of way shall be made with vitrified clay pipe, or other material, approved by the Director.

B. The portions of building sewers within the street or public right of way shall be laid in a straight alignment and at a uniform slope, and shall have a fall of at least one foot (1') in fifty feet (50') unless the Director determines that an exception is warranted.

C. The pipe must be at least five feet (5') below curb grade and where it crosses the property line at least three and one-half feet ($3\frac{1}{2}'$) below the established grade of the street on the date of installation.

D. The alignment of the portion of the building sewer within the street or public right of way must be at right angles from the connection to the public sewer unless the Director determines that an exception is warranted.

5. State law reference: As to lien for work done in making connection to sewer, see Health & S.C. § 5463.

E. A collar wye or tee saddle shall be installed in tapped public sewers by cutting a properly proportioned hole in the public sewer and fitting the saddle snugly in place. Wye saddles shall be placed in the side of the public sewer with the wye branch so pointed as to direct the flow from the building sewer downstream at approximately a forty five degree (45°) angle with the public sewer, and tilted upward at approximately forty five degrees (45°) from the horizontal. Tee saddles shall be used for the construction of chimney pipes and for connections to twelve inch (12") diameter and larger public sewers and tilted upward at approximately forty five degrees (45°) from the horizontal or as approved by the Director.

F. No building or industrial waste connections to a public sewer shall be made, except through a wye or tee branch, without written permission from the Director.

G. A City approved maintenance hole must be constructed by the developer for the connection of any building sewer that is eight inches (8") in diameter or larger unless otherwise approved by the Director.

H. A City approved maintenance hole must have a maintenance hole lid diameter of a minimum of thirty inches (30") unless otherwise approved by the Director.

I. All construction must comply with the most recent version of the "Standard Specifications For Public Works Construction" unless otherwise approved by the Director.

J. Final horizontal and vertical alignment shall be approved by the Director.

K. Any building sewer eight inches (8") in diameter or greater must comply with public sewer design guidelines approved by the Director. [Formerly numbered Section 25-30. Amended by Ord. No. 3677, eff. 8/20/05; 3137, 3035, 2589.]

8-1-309: BUILDING SEWERS TO SERVE ONLY ONE LOT:

No more than one lot shall be connected to any one building sewer unless approved by the Director. [Formerly numbered Section 25-31. Amended by Ord. No. 3677, eff. 8/20/05; 3137, 3035.]

8-1-310: DISCONNECTION OF UNLAWFUL CONNECTION:

The Director may disconnect any building sewer installed or maintained in violation of the provisions of this chapter. Reconnection of such a disconnected sewer shall be made only upon issuance of a permit as provided in this chapter. Before such permit is issued, the applicant shall reimburse the City for the cost of the disconnection. [Formerly numbered Section 25-35. Amended by Ord. No. 3677, eff. 8/20/05; 3137, 3035, 2589.]

8-1-311: COST OF REPAIR TO PUBLIC SEWER:

Any person who obstructs, damages, destroys or removes any public sewer, the POTW, or appurtenance thereof, shall reimburse the City for the reasonable costs of the necessary flushing, cleaning, repairing, reconstructing and maintenance of the sewer within thirty (30) days after written request from the Director to do so. [Formerly numbered Section 25-36. Amended by Ord. No. 3677, eff. 8/20/05; 3137, 3035.]

8-1-312: COST OF REPAIR TO BUILDING SEWER:

The City will reimburse a property owner for the cost to repair or replace that portion of a building sewer that has been crushed or moved out of alignment by the root system of a parkway tree, provided that reimbursement will only be allowed if the proper permit(s) are obtained and inspection is made by the Director prior to the removal of any damaged pipe. Reimbursement will be limited to that amount designated in the Burbank Fee Resolution. In all other respects, the obligation to maintain and repair the building sewer remains the obligation of the property owner to which said sewers are appurtenant per Section 8-1-107 of this chapter. [Added by Ord. No. 3677, eff. 8/20/05.]

8-1-313: BACKWATER VALVES:

New and remodeled properties are required to install, operate, and maintain an approved backwater valve on their building sewer unless it can be shown that all fixtures contained therein have flood level rim elevations above the elevation of the next upstream maintenance hole cover of the public sewer serving the property, or a conditional waiver is granted by the Director. All buildings to be newly constructed are subject to backwater valve requirements. Existing buildings with planned modifications having a building permit valuation of fifty thousand dollars (\$50,000.00) or more are also subject to backwater valve requirements. Existing buildings having building sewers replaced, or having building sewers repairs made with an aggregate length in excess of ten feet (10'), are also subject to backwater valve requirements. The backwater valve shall be installed in a concrete box or other material approved by the City Building Department and shall be readily accessible at all times. [Added by Ord. No. 3677, eff. 8/20/05.]

ARTICLE 4. DISCHARGE INTO MAINTENANCE HOLE

8-1-401: OPENING MAINTENANCE HOLE:

No person shall open, enter, or allow to remain open, any maintenance hole in any public sewer without a permit from the Director. [Formerly numbered Section 25-37. Amended by Ord. No. 3677, eff. 8/20/05; 3035.]

ARTICLE 5. INDUSTRIAL WASTE AND DISPOSAL

8-1-501: GENERAL DISCHARGE REQUIREMENTS:

8-1-501.1: DISCHARGE PROHIBITIONS:

A. GENERAL PROHIBITIONS: No person shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW and public sewers whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.

B. SPECIFIC PROHIBITIONS: No user shall introduce or cause to be introduced into the POTW or public sewer the following pollutants, substances, or wastewater:

(1) Pollutants which create a fire or explosive hazard in the POTW or public sewer, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F(60°C) using the test methods specified in 40 CFR 261.21;

(2) Wastewater having a pH less than 5.0 or more than 11.0, or otherwise causing corrosive structural damage to the POTW, public sewer, or equipment;

(3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW and/or public sewer resulting in interference but in no case solids greater than three-eighths inch(es) (3/8") or one centimeter (1 cm) in any dimension;

(4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with a POTW;

(5) Wastewater having a temperature greater than 140°F (60°C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);

(6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;

(7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

(8) Trucked or hauled pollutants, except at discharge points designated by the Director in accordance with Section 8-1-502.4 of this chapter;

(9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

(10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's NPDES permit;

(11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;

(12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Director;

(13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;

(14) Medical wastes, except as specifically authorized by the Director in a wastewater discharge permit;

(15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;

(16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;

(17) Any waste or wastewater, if in the opinion of the Director, the discharge may have an adverse or harmful effect on the sewerage system, sewers, maintenance personnel, wastewater treatment plant personnel or equipment, treatment plant effluent quality, or public or private property, or may otherwise endanger ecological systems or create a public nuisance.

C. Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW and/or public sewer. [Added by Ord. No. 3677, eff. 8/20/05; Amended by Ord. No. 3721, eff. 6/23/07.]

8-1-501.2: NATIONAL CATEGORICAL PRETREATMENT STANDARDS:

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated into this chapter.

A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Director may impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).

C. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

D. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. [Added by Ord. No. 3677, eff. 8/20/05; Amended by Ord. No. 3721, eff. 6/23/07.]

8-1-501.3: STATE PRETREATMENT STANDARDS:

State pretreatment standards located at California Water Code Section 13000 et seq., are hereby incorporated. [Added by Ord. No. 3677, eff. 8/20/05.]

8-1-501.4: LOCAL LIMITS:

Local limits listed below apply at the point where the wastewater is discharged to the POTW and/or public sewer. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The Director may impose mass limitations in addition to, or in place of, the concentration based limitations.

Except where more restrictive limitations are imposed by permit or national categorical pretreatment standards, no person shall introduce wastewater to the POTW that exceeds the following limitations at all times.

Arsenic	3 mg/l
Cadmium	15 mg/l
Chloride	275 mg/l
Chromium (hexavalent)	3 mg/l
Chromium (total)	10 mg/l
Copper	15 mg/l
Cyanide (total)	10 mg/l
Cyanide (free)	2 mg/l
Dissolved sulfides	0.1 mg/l
Lead	5 mg/l
Nickel	12 mg/l
pH range	5.5-9.5
Phenols	1.5 mg/l
Selenium	1 mg/l
Silver	5 mg/l
Sulfate	420 mg/l
Suspended solids (shall not include hydroxide of heavy metals and toxicants)	1,000 mg/l
Total dissolved solids	1,200 mg/l
Zinc	25 mg/l
Dispersed oil and grease (total)	300 mg/l
Floatable oil and grease	None visible

[Added by Ord. No. 3677, eff. 8/20/05.]

8-1-501.5: CITY'S RIGHT OF REVISION:

The City reserves the right to establish, by municipal code, resolution, or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW and public sewer. [Added by Ord. No. 3677, eff. 8/20/05.]

8-1-501.6: DILUTION:

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Director may impose mass limitations on

users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate. [Added by Ord. No. 3677, eff. 8/20/05.]

8-1-502: PRETREATMENT OF WASTEWATER:

8-1-502.1: PRETREATMENT FACILITIES:

Users shall provide wastewater treatment as necessary to comply with this chapter and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 8-1-501.1 of this article within the time limitations specified by EPA, the State, or the Director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Director for review, and shall be acceptable to the Director before such facilities are constructed. The review and/or acceptance of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this chapter. [Added by Ord. No. 3677, eff. 8/20/05.]

8-1-502.2: ADDITIONAL PRETREATMENT MEASURES:

A. Whenever deemed necessary, the Director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect a POTW or public sewer and determine the user's compliance with the requirements of this chapter.

B. The Director may require any person discharging into the POTW and/or public sewer to install and maintain, on their property and at their expense, a suitable storage and flow control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

C. Grease interceptors or traps, oil separators, and/or grit interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or grit; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Director and shall be so located to be easily accessible for cleaning and inspection. Such interceptors, traps, and/or separators shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.

D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

E. Food service establishment (FSE) requirements. FSEs are required to install, operate, and maintain an approved type and adequately sized, remotely located and readily accessible, grease interceptor, unless a conditional waiver is granted by the Director. All FSEs to be newly constructed are subject to grease interceptor requirements. Existing FSEs with planned modifications having a building permit valuation of fifty thousand dollars (\$50,000.00) or more are also subject to grease interceptor requirements.

All grease interceptors must be approved by the Director. At the sole discretion of the Director, an FSE determined to have no immediate adverse impact on the public sewer may be granted a conditional waiver from grease interceptor installation requirements. The Director may, at any time, revoke this conditional waiver and require the FSE to install a grease interceptor. If an FSE can demonstrate that installation of a grease interceptor is not feasible due to space constraints or other considerations, the Director may issue a variance from grease interceptor requirements and authorize the installation of alternative grease removal devices. Alternative grease removal devices include, but are not limited to, devices that are used to trap, separate and hold grease from wastewater and prevent it from being discharged into the public sewer. All alternative grease removal devices must be approved by the Director, on a case by case basis. [Added by Ord. No. 3677, eff. 8/20/05.]

8-1-502.3: ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS:

The Director may evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The Director may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Director may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

A. Description of discharge practices, including nonroutine batch discharges;

B. Description of stored chemicals;

C. Procedures for immediately notifying the Director of any accidental or slug discharge, as required by Section 505.6 of this chapter; and

D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response. [Added by Ord. No. 3677, eff. 8/20/05; Amended by Ord. No. 3721, eff. 6/23/07.]

8-1-502.4: HAULED WASTEWATER:

Hauled wastewater, except for recreational vehicles disposed in an approved dump location, may not be disposed to the POTW or public sewer. [Added by Ord. No. 3677, eff. 8/20/05.]

8-1-503: WASTEWATER DISCHARGE PERMIT APPLICATION:

8-1-503.1: WASTEWATER ANALYSIS:

When requested by the Director, a user must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The Director is authorized to prepare a form for this purpose and may periodically require users to update this information. [Added by Ord. No. 3677, eff. 8/20/05.]

8-1-503.2: CONTROL MECHANISM REQUIREMENT:

A. No significant industrial user shall discharge wastewater into the POTW and/or public sewer without first obtaining a wastewater discharge permit from the Director, except that a significant industrial user that has filed a timely application pursuant to Section 8-1-503.3 of this article may continue to discharge for the time period specified therein.

B. The Director may require other users to obtain control mechanisms as necessary to carry out the purposes of this chapter.

C. Any violation of the terms and conditions of a control mechanism shall be deemed a violation of this chapter and subjects the user to the sanctions, fines, or penalties set out in Sections 8-1-509 through 8-1-511 of this article. Obtaining a control mechanism does not relieve a user of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law. [Added by Ord. No. 3677, eff. 8/20/05.]

8-1-503.3: ISSUING CONTROL MECHANISMS; EXISTING CONNECTIONS:

Any user required to obtain a control mechanism who was discharging wastewater into the POTW and/or public sewer prior to the effective date of this chapter and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the Director for a control mechanism in accordance with Section 8-1-503.5 of this article, and shall not cause or allow discharges to the POTW and/or public sewer to continue after ninety (90) days of the effective date of this chapter except in accordance with a control mechanism issued by the Director. [Added by Ord. No. 3677, eff. 8/20/05.]

8-1-503.4: ISSUING CONTROL MECHANISMS; NEW CONNECTIONS:

Any user required to obtain a control mechanism who proposes to begin or recommence discharging into the POTW or public sewer must obtain such control mechanism prior to the beginning or recommencing of such discharge. An application for this control mechanism, in accordance with Section 8-1-503.5 of this article, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence. [Added by Ord. No. 3677, eff. 8/20/05.]

8-1-503.5: WASTEWATER DISCHARGE PERMIT APPLICATION CONTENTS:

All users required to obtain a control mechanism must submit a wastewater discharge permit application. The Director may require all users to submit as part of an application the following information:

- A. All information required by subsection 8-1-505.1B of this article;
- B. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW and/or public sewer;
- C. Number and type of employees, and hours of operation;
- D. Each product produced by type, amount, process or processes, and rate of production;
- E. Type and amount of raw materials processed (average and maximum per day);
- F. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- G. Time and duration of discharges; and
- H. Any other information as may be deemed necessary by the Director to evaluate the wastewater discharge application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision. [Added by Ord. No. 3677, eff. 8/20/05.]

8-1-503.6: APPLICATION SIGNATORIES AND CERTIFICATION:

All wastewater discharge applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

[Added by Ord. No. 3677, eff. 8/20/05.]

8-1-503.7: CONTROL MECHANISM DECISIONS:

The Director will evaluate the data furnished by the user and may require additional information. Within thirty (30) days of receipt of a complete wastewater discharge application, the Director will determine whether or not to issue a control mechanism. The Director may deny any application for a control mechanism. [Added by Ord. No. 3677, eff. 8/20/05.]

8-1-504: CONTROL MECHANISM ISSUANCE PROCESS:

8-1-504.1: CONTROL MECHANISM DURATION:

A. A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Director. Each wastewater discharge permit will indicate a specific date upon which it will expire.

B. Wastewater discharge authorization shall be issued for an indefinite time period, subject to review and reconsideration at the discretion of the Director.

C. Special agreements shall be issued for a specified time period, set forth in the terms of the special agreement. [Added by Ord. No. 3677, eff. 8/20/05.]

8-1-504.2: CONTROL MECHANISM CONTENTS:

A control mechanism shall include such conditions as are deemed reasonably necessary by the Director to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW and/or public sewer.

A. Wastewater discharge permits must contain:

(1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five years;

(2) A statement that the wastewater discharge permit may only be transferred in accordance with Sec. 25-504.5.

(3) Effluent limitations, including Best Management Practices, based on applicable pretreatment standards.

(4) Monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, frequency, and sample type based on Federal, State, and local law.

(5) A statement of applicable civil and criminal penalties for violations of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, and local law.

B. Waste Discharge Permits may contain, but need not be limited to, the following conditions:

(1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

(2) Requirements for the installation and maintenance of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the City's collection system;

(3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges;

(4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the City's collection system;

(5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the City's collection system;

(6) Requirements for the installation and maintenance of inspection and sampling facilities and equipment;

(7) A statement that compliance with the Waste Discharge Permit does not relieve the permittee of responsibility for compliance with all applicable Federal, State pretreatment standards, including those which become effective during the term of the Waste Discharge Permit;

(8) When the limits in a categorical Pretreatment Standard are expressed only in terms of pollutant concentrations, an Industrial User may request that the Control Authority convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Director. The Director may establish equivalent mass limits only if the Industrial User meets all the following conditions:

(a) To be eligible for equivalent mass limits, the Industrial User must:

(1) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its control mechanism;

(2) Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;

(3) Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the

actual average daily flow rate and long-term average production rate must be representative of current operating conditions;

(4) Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and

(5) Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.

(b) An Industrial User subject to equivalent mass limits must:

(1) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;

(2) Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;

(3) Continue to record the facility's production rates and notify the Director whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph (B)(8)(a)(3) of this section. Upon notification of a revised production rate, the Director must reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

(4) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraph (B)(8)(a)(1) of this section so long as it discharges under an equivalent mass limit.

(c) If the Director chooses to establish equivalent mass limits, he/she:

(1) Must calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based daily maximum and monthly average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;

(2) Upon notification of a revised production rate, must reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and

(3) May retain the same equivalent mass limit in subsequent control mechanism terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to paragraph 40 CFR 403.6(d). The Industrial User must also be in compliance with 40 CFR 403.17 (regarding the prohibition of bypass).

(4) The Director may not express limits in terms of mass for pollutants such as pH, temperature, radiation, or other pollutants which cannot appropriately be expressed as mass.

(9) The Director may authorize the Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. This authorization is subject to the following conditions:

(a) The Director may authorize a waiver where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the

sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.

(b) The monitoring waiver is valid only for the duration of the effective period of the Permit or other equivalent individual control mechanism, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent control mechanism.

(c) In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes. The request for a monitoring waiver must be signed in accordance with 40 CFR 403.12(l) and include the certification statement in 40 CFR 403.6(a)(2)(ii). Non-detectable sample results may only be used as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

(d) Any grant of the monitoring waiver by the Director must be included as a condition in the User's control mechanism. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Control Authority for 3 years after expiration of the waiver.

(e) Upon approval of the monitoring waiver and revision of the User's control mechanism by the Director, the Industrial User must certify on each report with the statement below, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under 40 CFR 403.12(e)(1)."

(f) In the event that a waived pollutant is found to be present or is expected to be present based on changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of 40 CFR 403.12(e)(1) or other more frequent monitoring requirements imposed by the Director, and notify the Director.

(g) This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard; and

(10) Other conditions as deemed appropriate by the Director to ensure compliance with this Chapter, and State and Federal laws, rules, and regulations.

C. Wastewater Discharge Authorizations

(1) Wastewater discharge authorizations must contain:

- (a) A statement that indicates wastewater discharge authorization duration, which shall be indefinite, subject to review and reconsideration at the discretion of the Director;
- (b) A statement that the wastewater discharge authorization is non-transferable;
- (c) A statement that any discharge of wastewater is subject to technically based limits on constituents and characteristics;
- (d) Reporting, notification, and record-keeping requirements;
- (e) A statement of applicable penalties for violation(s) of this Chapter; and

(f) A statement that compliance with the wastewater discharge authorization does not relieve the user of responsibility for compliance with all applicable Federal, State, and City pretreatment standards, including those which become effective subsequent to issuance of the authorization.

(2) Wastewater discharge authorizations may contain:

(a) Requirements for the development and implementation of spill control or waste minimization plans, or other special conditions necessary to adequately prevent accidental, unanticipated, non-routine discharges and reduce the amount of pollutants discharged to the public sewer; and

(b) Other conditions as deemed appropriate by the Director to ensure compliance with this Chapter, and State and Federal laws, rules, and regulations.

D. Special Agreements

(1) Special Agreements must contain:

(a) A statement that indicates the purpose and duration of the agreement, including any clauses which may cause the agreement to be prematurely terminated;

(b) Terms and conditions which the user must comply with during the term of the agreement;

(c) Services the City will provide the user during the term of the agreement;

(d) A statement of applicable penalties for violation(s) of the terms of the agreement; and

(e) The terms and conditions under which the agreement may be extended.

(2) Special Agreements may contain any and all conditions deemed appropriate by the signatories that are necessary to complete the agreement and ensure compliance with applicable laws, rules, and regulations.

E. No control mechanism shall waive a user's requirement to comply with National Categorical Pretreatment Standards, as set forth in 40 CFR 405-471, as amended. [Added by Ord. No. 3677, eff. 8/20/05; Amended by Ord. No. 3739, eff. 5/23/08; 3721.]

8-1-504.3: WASTEWATER DISCHARGE PERMIT APPEALS:

The Director may provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the Director to reconsider the terms of a wastewater discharge permit within thirty (30) days of notice of its issuance.

A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

B. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for any objections, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

C. The requirements of the wastewater discharge permit shall not be stayed pending the appeal.

D. If the Director fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit may be appealed according to Section 2-1-1501 of this code. [Added by Ord. No. 3677, eff. 8/20/05.]

8-1-504.4: WASTEWATER DISCHARGE PERMIT MODIFICATION:

The Director may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

A. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;

B. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;

C. A change in the POTW and/or public sewer that requires either a temporary or permanent reduction or elimination of the authorized discharge;

D. Information indicating that the permitted discharge poses a threat to the City's POTW and/or public sewer, City personnel, or the receiving waters;

E. Violation of any terms or conditions of the wastewater discharge permit;

F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;

H. To correct typographical or other errors in the wastewater discharge permit; or

I. To reflect a transfer of the facility ownership or operation to a new owner or operator. [Added by Ord. No. 3677, eff. 8/20/05.]

8-1-504.5: WASTEWATER DISCHARGE PERMIT TRANSFER:

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the Director and the Director approves the wastewater discharge permit transfer. The notice to the Director must include a written certification by the new owner or operator which:

A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer. [Added by Ord. No. 3677, eff. 8/20/05.]

8-1-504.6: WASTEWATER DISCHARGE PERMIT REVOCATION:

The Director may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the Director of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the Director of changed conditions pursuant to Section 8-1-505.5 of this ordinance;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring reports;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the Director timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey or the wastewater discharge permit application;
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- M. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this chapter.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user. [Added by Ord. No. 3677, eff. 8/20/05; Amended by Ord. No. 3721, eff. 6/23/07.]

8-1-504.7: WASTEWATER DISCHARGE PERMIT REISSUANCE:

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 8-1-503.5 of this article, a minimum of forty five (45) days prior to the expiration of the user's existing wastewater discharge permit. [Added by Ord. No. 3677, eff. 8/20/05.]

8-1-504.8: REGULATION OF WASTE RECEIVED FROM OTHER JURISDICTIONS:

If another municipality, or user located within another municipality, contributes wastewater to the POTW and/or public sewer, the Director may enter into an inter-municipal agreement with the contributing municipality. [Added by Ord. No. 3677, eff. 8/20/05; Amended by Ord. No. 3721, eff. 6/23/07.]

8-1-505: REPORTING REQUIREMENTS:

8-1-505.1: BASELINE MONITORING REPORTS:

A. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing industrial users subject to such categorical pretreatment standards currently discharging to or scheduled to discharge to the POTW and/or public sewer shall submit to the Director a report which contains the information listed in subsection B of this section.

At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the Director a report which contains the information listed in subsection B of this section. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards.

B. Users described above shall submit the information set forth below. New sources shall give estimates of the information requested in subsections B4 and B5 of this section:

(1) Identifying Information: The user shall submit the name and address of the facility including the name of the operator and owners;

(2) Permits: The user shall submit a list of any environmental control permits held by or for the facility;

(3) Description of Operations: The user shall submit a brief description of the nature, average rate of production, and NAICS of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

(4) Flow Measurement: The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

- (a) Regulated process streams; and
- (b) Other streams as necessary to allow use of the combined wastestream formula of Section 403.6(e). (See subsection B5e of this section.)

The Director may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

(5) Measurement of Pollutants:

(a) The user shall identify the pretreatment standards applicable to each regulated process;

(b) In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the Director) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations;

(c) A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, twenty four (24) hour composite samples must be obtained through flow proportional composite sampling techniques where feasible. The Director may waive flow proportional composite sampling for any user that demonstrates that flow proportional sampling is infeasible. In such cases, samples may be obtained through time proportional composite sampling techniques or through a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged.

(d) The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

(e) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula of 40 CFR Section 403.6(e) in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR Section 403.6(e) this adjusted limit along with supporting data shall be submitted to the Director;

(f) Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the EPA;

(g) The Director may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

(h) The baseline report shall indicate the time, date and place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW;

(6) Certification: A statement, reviewed by an authorized representative of the user (as defined by 40 CFR 403.12(k)) and certified to by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the user to meet the pretreatment standards and requirements; and

(7) Compliance Schedule: If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards; the shortest schedule by which the user will provide such additional pretreatment and/or operation and maintenance. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

(a) Where the user's categorical pretreatment standard has been modified by a removal allowance (40 CFR Section 403.7), the combined wastestream formula (40 CFR Section 403.6(e)), and/or a fundamentally different factors variance (40 CFR Section 403.13) at the time the user submits the report required by this subsection B, the information required by subsection B6 of this section and this subsection B7 shall pertain to the modified limits.

(b) If the categorical pretreatment standard is modified by a removal allowance (40 CFR Section 403.7), the combined wastestream formula (40 CFR Section 403.6(e)), and/or a fundamentally different factors variance (40 CFR Section 403.13) after the user submits the report required by this subsection B, any necessary amendments to the information requested by subsection B6 of this section and this subsection B7 shall be submitted by the user to the director within sixty (60) days after the modified limit is approved. [Added by Ord. No. 3677, eff. 8/20/05.]

8-1-505.2: COMPLIANCE SCHEDULE PROGRESS REPORTS:

The following conditions shall apply to the compliance schedule required by subsection 8-1-505.1B7 of this article:

A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

B. No increment referred to above shall exceed nine (9) months;

C. The user shall submit a progress report to the Director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

D. In no event shall more than nine (9) months elapse between such progress reports to the Director. [Added by Ord. No. 3677, eff. 8/20/05; Amended by Ord. No. 3721, eff. 6/23/07.]

8-1-505.3: REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE:

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW and/or public sewer, any user subject to such pretreatment standards and requirements shall submit to the Director a report containing the information described in subsections 8-1-505.1B4 through B6 of this article. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 8-1-503.6 of this article. [Added by Ord. No. 3677, eff. 8/20/05.]

8-1-505.4: PERIODIC COMPLIANCE REPORTS:

A. All Significant Industrial Users shall submit to the Director at least once every six months (on dates specified by the Director) a description of the nature, concentration, and flow of the pollutants required to be reported by the Director. These reports shall be based on sampling and analysis performed in the period covered by the report, and performed in accordance with the techniques described in 40 CFR part 136 and amendments thereto. Where 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other persons, approved by the EPA. This sampling and analysis may be performed by the Director in lieu of the significant industrial user. Where the Director collects all the information required for the report, the significant industrial user will not be required to submit the report. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (or pollution prevention alternative), the User shall submit documentation required by the Director or the Pretreatment Standard necessary to determine the compliance status of the User. At the discretion of the Director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Director may modify the months during which the above reports are to be submitted.

B. All periodic compliance reports must be signed and certified in accordance with Section 8-1-503.6 of this chapter. [Added by Ord. No. 3677, eff. 8/20/05; Amended by Ord. No. 3721, eff. 6/23/07.]

8-1-505.5: REPORTS OF CHANGED CONDITIONS:

Each user must promptly notify the Director of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater in advance of the change.

A. The Director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 8-1-503.5 of this article.

B. The Director may issue a wastewater discharge permit under Section 8-1-503.7 of this article or modify an existing wastewater discharge permit under Section 8-1-504.4 of this article in response to changed conditions or anticipated changed conditions.

C. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants. [Added by Ord. No. 3677, eff. 8/20/05.]

8-1-505.6: REPORTS OF POTENTIAL PROBLEMS:

A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW and/or public sewer, the user shall immediately telephone and notify the Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

B. Within five (5) days following such discharge, the user shall, unless waived by the Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW and/or public sewer, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this chapter.

C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in subsection A of this section. Employers shall ensure that all employees who may cause such a discharge to occur are advised of the emergency notification procedure.

D. Significant Industrial Users are required to notify the Director immediately of any changes at its facility affecting the potential for a Slug Discharge. [Added by Ord. No. 3739, eff. 5/23/08; 3677.]

8-1-505.7: REPORTS FROM UNPERMITTED USERS:

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Director as the Director may require. [Added by Ord. No. 3677, eff. 8/20/05.]

8-1-505.8: NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING:

If sampling performed by a user indicates a violation, the user must notify the Director within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director within thirty (30) days after becoming aware of the violation. Where the Director has performed the sampling and analysis in lieu of the Industrial User, the Director must perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat analysis. Resampling is not required if the Director performs sampling at the Industrial User at a frequency of at least once per month, or the Director performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the Director receives the results of this sampling. [Added by Ord. No. 3677, eff. 8/20/05; Amended by Ord. No. 3721, eff. 6/23/07.]

8-1-505.9: NOTIFICATION OF THE DISCHARGE OF HAZARDOUS WASTE:

The discharge of hazardous waste is prohibited unless specific authorization is given by the Director. [Added by Ord. No. 3677, eff. 8/20/05.]

8-1-505.10: ANALYTICAL REQUIREMENTS:

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA. [Added by Ord. No. 3677, eff. 8/20/05.]

8-1-505.11: SAMPLE COLLECTION:

A. Except as indicated in subsection B of this section, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Director may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

B. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques. [Added by Ord. No. 3677, eff. 8/20/05.]

8-1-505.12: TIMING:

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern. [Added by Ord. No. 3677, eff. 8/20/05.]

8-1-505.13: RECORD KEEPING:

Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the City, or where the user has been specifically notified of a longer retention period by the Director. [Added by Ord. No. 3677, eff. 8/20/05; Amended by Ord. No. 3721, eff. 6/23/07.]

8-1-506: COMPLIANCE MONITORING:

8-1-506.1: RIGHT OF ENTRY; INSPECTION AND SAMPLING:

The Director shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this chapter and any wastewater discharge permit or order issued hereunder. Users shall allow the Director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

A. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Director will be permitted to enter without delay for the purposes of performing specific responsibilities.

B. The Director shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

C. The Director may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated semiannually to ensure their accuracy.

D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Director and shall not be replaced. The costs of clearing such access shall be borne by the user.

E. Unreasonable delays in allowing the Director access to the user's premises shall be a violation of this chapter. [Added by Ord. No. 3677, eff. 8/20/05.]

8-1-506.2: INSPECTION WARRANTS:

If the Director has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Director may seek issuance of an inspection warrant. [Added by Ord. No. 3677, eff. 8/20/05; Amended by Ord. No. 3721, eff. 6/23/07.]

8-1-507: CONFIDENTIAL INFORMATION:

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Director's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction. [Added by Ord. No. 3677, eff. 8/20/05.]

8-1-508: PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE:

The Director may publish annually, in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW of Industrial Users which, at any time, during the previous 12 months, were in significant noncompliance with applicable Pretreatment requirements. The term Significant Noncompliance is defined in Section 8-1-102. [Added by Ord. No. 3677, eff. 8/20/05; Amended by Ord. No. 3721, eff. 6/23/07.]

8-1-509: ADMINISTRATIVE ENFORCEMENT REMEDIES:

8-1-509.1: NOTIFICATION OF VIOLATION:

When the Director finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director may serve upon that user a written notice of violation. Within fifteen (15) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Director. A user may contest the finding(s) set forth in the notice of violation. Submission of a plan or contesting the finding(s) in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the Director to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation. [Added by Ord. No. 3677, eff. 8/20/05.]

8-1-509.2: CONSENT ORDERS:

The Director may enter into consent orders, assurances of voluntary compliance, or other similar arrangements or plans establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 8-1-509.4 and 8-1-509.5 of this article and shall be judicially enforceable. [Added by Ord. No. 3677, eff. 8/20/05.]

8-1-509.3: SHOW CAUSE HEARING:

The Director may order a user which has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be

served personally or by registered or certified mail (return receipt requested) at least thirty (30) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user. [Added by Ord. No. 3677, eff. 8/20/05.]

8-1-509.4: COMPLIANCE ORDERS:

When the Director finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated to the satisfaction of the Director. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user. [Added by Ord. No. 3677, eff. 8/20/05.]

8-1-509.5: CEASE AND DESIST ORDERS:

When the Director finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Director may issue an order to the user directing it to cease and desist all such violations and directing the user to:

A. Immediately comply with all requirements; and

B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user. [Added by Ord. No. 3677, eff. 8/20/05.]

8-1-509.6: ADMINISTRATIVE FINES:

A. When the Director finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director may fine such user in an

amount not to exceed one thousand dollars (\$1,000.00). Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.

B. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of five percent (5%) of the unpaid balance, and interest shall accrue thereafter at a rate of five percent (5%) per month. A lien against the user's property will be sought for unpaid charges, fines, and penalties.

C. Users desiring to dispute such fines must file a written request for the Director to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the Director may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The Director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user. [Added by Ord. No. 3677, eff. 8/20/05.]

8-1-509.7: EMERGENCY SUSPENSIONS:

The Director may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Director may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW and/or public sewer, or which presents, or may present, an endangerment to the environment.

A. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW and/or public sewer, its receiving stream, or endangerment to any individuals. The Director may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless the termination proceedings in Section 8-1-509.8 of this article are initiated against the user.

B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Director prior to the date of any show cause or termination hearing under Section 8-1-509.3 or 8-1-509.8 of this article.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section. [Added by Ord. No. 3677, eff. 8/20/05.]

8-1-509.8: TERMINATION OF DISCHARGE:

In addition to the provisions in Section 8-1-504.6 of this article, any user who violates the following conditions is subject to discharge termination:

- A. Violation of wastewater discharge permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the pretreatment standards in Section 8-1-501 of this article.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 8-1-509.3 of this article why the proposed action should not be taken. Exercise of this option by the Director shall not be a bar to, or a prerequisite for, taking any other action against the user. [Added by Ord. No. 3677, eff. 8/20/05.]

8-1-510: JUDICIAL ENFORCEMENT REMEDIES:

8-1-510.1: INJUNCTIVE RELIEF:

When the Director finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Director may petition the Court through the City Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this chapter on activities of the user. The Director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user. [Added by Ord. No. 3677, eff. 8/20/05.]

8-1-510.2: CIVIL PENALTIES:

A. A user who has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the City for the maximum civil penalty provided by law per violation, per day. In the case of a monthly or other long term average discharge limit, penalties shall accrue for each day during the period of the violation.

B. The Director may recover reasonable attorney fees, Court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user. [Added by Ord. No. 3677, eff. 8/20/05.]

8-1-510.3: CRIMINAL PROSECUTION:

A. A user who willfully or negligently violates any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$1,000 per violation, per day, or imprisonment for not more than one year, or both.

B. A user who willfully or negligently introduces any substance into the POTW and/or public sewer which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$1,000, or be subject to imprisonment for not more than one year, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

C. A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this chapter, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of not more than \$1,000 per violation, per day, or imprisonment for not more than one year, or both.

D. In the event of a second conviction, a user shall be punished by a fine of not more than \$1,000 per violation, per day, or imprisonment for not more than one year, or both. [Added by Ord. No. 3677, eff. 8/20/05; Amended by Ord. No. 3721, eff. 6/23/07.]

8-1-510.4: REMEDIES NONEXCLUSIVE:

The remedies provided for in this chapter are not exclusive. The Director may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the Director may take other action against any user when the circumstances warrant. Further, the Director is empowered to take more than one

enforcement action against any noncompliant user. [Added by Ord. No. 3677, eff. 8/20/05; Amended by Ord. No. 3721, eff. 6/23/07.]

8-1-511: SUPPLEMENTAL ENFORCEMENT ACTION:

8-1-511.1: PERFORMANCE BONDS:

The Director may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this chapter, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the Director to be necessary to achieve consistent compliance. [Added by Ord. No. 3677, eff. 8/20/05.]

8-1-511.2: LIABILITY INSURANCE:

The Director may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this chapter, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW and/or public sewer caused by its discharge. [Added by Ord. No. 3677, eff. 8/20/05.]

8-1-511.3: WATER SUPPLY SEVERANCE:

Whenever a user has violated or continues to violate any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply. [Added by Ord. No. 3677, eff. 8/20/05.]

8-1-511.4: PUBLIC NUISANCES:

A violation of any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Director. Any person(s) creating a public nuisance shall be subject to the provisions of Section 1-1-108 of this code. [Added by Ord. No. 3677, eff. 8/20/05.]

8-1-512: AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS:

8-1-512.1: UPSET:

A. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of subsection C of this section are met.

C. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred and the user can identify the cause(s) of the upset;
- (2) The facility was at the time being operated in a prudent and in compliance with applicable operation and maintenance procedures; and
- (3) The user has submitted the following information to the Director within twenty four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within 5 days):
 - (a) A description of the indirect discharge and cause of noncompliance;
 - (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

D. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

F. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails. [Added by Ord. No. 3677, eff. 8/20/05.]

8-1-512.2: PROHIBITED DISCHARGE STANDARDS:

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in subsection 8-1-501.1A of this article or the specific prohibitions in subsection 8-1-501.1B of this article if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or

B. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the City was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements. [Added by Ord. No. 3677, eff. 8/20/05.]

8-1-512.3: BYPASS:

A. Definitions: For the purposes of this section:

BYPASS: The intentional diversion of wastestreams from any portion of a user's treatment facility.

SEVERE PROPERTY DAMAGE: Substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

B. Essential Maintenance: A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections C and D of this section.

C. Approved Bypass:

(1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Director, at least ten (10) days before the date of the bypass, if possible.

(2) A user shall submit oral notice to the Director of an unanticipated bypass that exceeds applicable pretreatment standards within twenty four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Director may waive the written report on a case by case basis if the oral report has been received within twenty four (24) hours.

D. Unapproved Bypass:

(1) Bypass is prohibited, and the Director may take an enforcement action against a user for a bypass, unless:

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The user submitted notices as required under subsection C of this section.

(2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three (3) conditions listed in subsection D1 of this section.

E. Bypass Causing Damage: In the event of a bypass by a user causing damage to the public sewers or POTW, the user will be liable for all cost to repair such facility. In the event of a bypass by a user that results in the need for increased maintenance of the public sewer or POTW, the user will be liable for all cost to repair such facility. [Added by Ord. No. 3677, eff. 8/20/05.]

ARTICLE 6. UNAUTHORIZED DISPOSAL

8-1-601: DISCHARGES FROM SWIMMING POOLS:

To the extent allowed by the approval authority, discharges from swimming pools during maintenance operations may be discharged to City storm drains if the discharge is properly neutralized and dechlorinated so as not to have a detrimental effect on the storm drain system, and the receiving waters thereof, and further providing that a permit for the discharge is obtained from the Director. The fee for such permit shall be designated in the Burbank Fee Resolution. [Added by Ord. No. 2589. Amended by Ord. No. 3677, eff. 8/20/05; 3137, 3035, 2935.]

ARTICLE 7. SEWER SERVICE CHARGE

8-1-701: PURPOSE:

The purpose of this article is to provide sufficient funds for the operations, maintenance, replacement, and expansion of the sanitary sewer and storm drain system by imposing a fair and equitable service charge upon the users of these facilities. Charges imposed pursuant to the provisions of this article are fees for services and are not taxes. [Added by Ord. No. 2310. Amended by Ord. No. 3677, eff. 8/20/05; 3035.]

8-1-702: RESERVED:

[Added by Ord. No. 2310. Deleted by Ord. No. 3677, eff. 8/20/05; 3137, 3035, 2552, 2541, 2461, 2348.]

8-1-703: IMPOSITION OF CHARGE:

Every person discharging sewage, effluent, industrial waste, or other waste matter into a public sewer shall pay a sewer service charge to the City in an amount as specified in the Burbank Fee Resolution. This charge shall be in addition to any other fees imposed by this chapter. [Added by Ord. No. 2310. Amended by Ord. No. 3677, eff. 8/20/05; 3035, 2935.]

8-1-704: DETERMINATION OF SEWER SERVICE CHARGE:

A. Fee Resolution: The Burbank Fee Resolution shall provide for a sewer service charge to be charged monthly to dischargers. The sewer service charge shall incorporate all costs of wastewater and runoff collection treatment and disposal, including administrative and general expenses and certain capital costs.

B. Sewer Fund Assistance Program: The Sewer Fund Assistance Program shall have the same rules and requirements as the Burbank Water and Power Lifeline Program. The sewer service charge for any resident under the Sewer Fund Assistance Program will be set according to the Burbank Fee Resolution.

C. Allocation Of Costs: All sewer service charges shall be calculated so as to allocate the costs to the dischargers in accordance with sewage quantity (flow) and quality (indicated by BOD and SS concentration), including, but not limited to, costs incurred by the City of Los Angeles in treating and disposing of any effluent generated by the dischargers. [Added by Ord. No. 3035. Amended by Ord. No. 3677, eff. 8/20/05.]

8-1-705: COLLECTION OF CHARGE:

A. By Municipal Service Bill: The charge imposed by this article shall be collected by adding the same to the municipal service bills rendered by the Burbank Water and Power

Department of the City. The period covered by each billing shall be the same period for which the municipal service bill is rendered and shall be paid at the same time and in the same manner as the municipal service bill.

B. By Director: Whenever it is not practicable to add the sewer service charge to the municipal service bill rendered by the Burbank Water and Power Department, the Director shall bill and collect for such charge.

C. Delinquencies: Bills for sewer service charges set forth on municipal service bills shall be delinquent if not paid when the municipal service bill is due; otherwise, within fifteen (15) days from the date the bill is delivered or mailed.

D. Deposits: The City, at the discretion of the Financial Services Director or the designee of the Financial Services Director, may require a deposit from anyone contracting with the City, equal to twice the estimated amount of the monthly or billing period bill. Deposits shall be mandatory in instances where service was terminated due to delinquent payment of bills and in instances of habitual delinquency in paying bills. Service will be furnished to any consumer who fully and truly sets forth all the purposes for which water may be required and who agrees to and conforms with all rules and regulations governing the service; provided the purposes set forth comply with all the City's rules, and that the system of building sewers and pipes extends to the point where service is desired, and is adequate to supply the services applied for. [Added by Ord. No. 2310. Amended by Ord. No. 3677, eff. 8/20/05; 3035.]

8-1-706: JOINT OCCUPANCY:

When there is more than one dwelling unit, business, industry, or other use on any premises serviced by a single water meter, the sewer service charge may be billed to the owner or lessor of the property, who shall collect such charges and transmit them to the City. If the owner or lessor fails to collect such charges and remit the same to the City, he/she shall be liable to the City for the payment thereof. [Added by Ord. No. 2310. Amended by Ord. No. 3677, eff. 8/20/05; 3035.]

8-1-707: DISCONTINUANCE OF SERVICE:

In case of delinquency in payment of the sewer service charge, water service may be turned off until the amount of sewer service charge due is paid. An amount as specified in the Burbank Fee Resolution shall be paid to the Burbank Water and Power Department for the expense of turning the utility service off and on. [Added by Ord. No. 2310. Amended by Ord. No. 3677, eff. 8/20/05; 3035, 2935.]

8-1-708: APPLICATION FOR EXEMPTION:

Where no portion of the water supplied to any premises enters a public sewer of the City, no charges shall accrue under this article if an application for exemption is filed with the Director and he/she finds that there is no discharge of any sewage, effluent, industrial waste

or other waste matter from such premises into a public sewer of the City. [Added by Ord. No. 2310. Amended by Ord. No. 3677, eff. 8/20/05; 3035.]

8-1-709: APPEAL FOR ADJUSTMENT OF CHARGE:

A. Filing of Appeal: In any case where it is believed that a sewer service charge imposed by this article is excessive, the person responsible for paying such charge may apply to the Director for an adjustment by filing with the Director, within thirty (30) days from the date of service of such charge, a written dated affidavit containing:

(1) A description, or address of the property involved in the appeal.
(2) The name or names and mailing addresses, of all the appellants participating in the appeal.

(3) A brief statement setting forth the legal interest of each of the appellants in the building or land involved in the notice and order.

(4) A statement in ordinary and concise language of the facts supporting the adjustment.

(5) A statement of any material facts supporting the contentions of the appellants, specifically statements alleging discriminatory, unreasonable, or unfair charges.

B. Collection of Additional Information: The Director may make a determination based upon the request for adjustment or request a hearing to gather additional information. Based upon this determination, the applicant may waive the opportunity for a hearing of the appeal.

C. Notice of Hearing: Provided that the opportunity for appeal has not been waived by the applicant, and as soon as practicable after receipt of any appeal filed pursuant to this section, the Director shall set the date for hearing the appeal. Such date shall be not less than ten (10) days nor more than sixty (60) days from the date the appeal was filed with the Director. The Director shall give written notice of the time and place of the hearing to each appellant by causing a copy of such notice to be delivered personally or by mailing a copy thereof, postage prepaid to the address shown on the appeal.

D. Determinations: If the Director determines that the charge is excessive, he/she shall adjust the charge so that it is fair, reasonable, and nondiscriminatory. If the charge has already been paid, he/she shall order a refund of the excess paid during the year immediately preceding the date of application for adjustment. Charges which are delinquent for more than ninety (90) days shall not be subject to adjustment.

E. Hearing Procedures: The hearing shall be informally conducted and the technical rules of evidence shall not apply, except that irrelevant evidence shall be excluded. Oral evidence shall be received only on oath or affirmation. During the course of the hearing the Director may visit and inspect any building or premises involved in the proceedings, and may there receive oral testimony of any sworn witness. The appellant may be represented by an attorney or other representative. The hearing may be recorded.

F. Order Of The Director: At the conclusion of the hearing, the Director may affirm, reverse, modify, or set aside the order or action appealed. The decision of the Director shall be final. [Added by Ord. No. 2318. Amended by Ord. No. 3677, eff. 8/20/05; 3035, 2589.]

8-1-710: DEBT; PENALTY FOR NONPAYMENT:

The sewer service charge imposed by this article shall constitute a debt due to the City and in the event any bill for sewer services is not paid in accordance with the provisions of this article, the Burbank Fee Resolution, or the rules and regulations of the Director, the amount of such unpaid bill may become a lien upon the real property and be collected at the same time and in the same manner as all taxes on real property in the City. [Added by Ord. No. 2310. Amended by Ord. No. 3677, eff. 8/20/05; 3035, 2318.]

ARTICLE 8. SEWER FACILITIES CHARGE

8-1-801: RESERVED:

[Added by Ord. No. 2589. Deleted by Ord. No. 3677, eff. 8/20/05; 3035, 2935.]

8-1-802: SEWER FACILITIES CHARGE:

A sewer facilities charge shall be imposed upon all newly constructed or expanded facilities and such charge shall be as designated in the Burbank Fee Resolution. [Added by Ord. No. 2589. Amended by Ord. No. 3677, eff. 8/20/05; 3035, 2935.]

8-1-803: SEWER FACILITIES CHARGE FOR SUBDIVISIONS; EXCEPTIONS:

The sewer facilities charge shall apply to all subdivisions processed under Title 11 of this code and the installation of sewers by the subdivider shall not relieve the subdivider from paying the required charges for occupancies within the proposed subdivision, except that where it is determined by the Director that a particular tract is being subdivided or redivided for the purpose of absorbing a vacated street or reverting an earlier tract to acreage and such subdivision or redivision is not for development purposes such tract shall be exempt from a sewer facilities charge. If the occupancies in a subdivision are not known or are undetermined when the sewer facilities charge is due, the subdivider shall pay the City an amount as specified in the Burbank Fee Resolution and when the tract is developed the sewer facilities charge shall be determined and an adjustment made in accordance with the rates then prevailing. [Added by Ord. No. 2589. Amended by Ord. No. 3677, eff. 8/20/05; 3035, 2935.]

8-1-804: WHEN SUBDIVISION CANNOT BE CONNECTED TO CITY SEWER:

When the Director determines that a subdivision cannot be connected to the City sewer due to land contours or other existing conditions, payment of the sewer facilities charge shall be deferred until connection can be made, at which time the sewer facilities charge shall be paid in accordance with the rates then prevailing. [Added by Ord. No. 2589. Amended by Ord. No. 3677, eff. 8/20/05; 3035.]

8-1-805: COMMUNITY REDEVELOPMENT:

When a subdivision or reversion to acreage is processed under the City's community redevelopment program, payment of the sewer facilities charge shall be deferred until the property is developed, at which time the sewer facilities charge shall be paid in accordance with the rates then prevailing. [Added by Ord. No. 2589. Amended by Ord. No. 3677, eff. 8/20/05; 3035.]

8-1-806: CHANGES OR INCREASES IN OCCUPANCY:

When there is a change or increase in occupancy of an existing structure or parcel of land, a sewer facilities charge shall be imposed:

A. For the additional gross floor area created when an addition is made to an existing commercial building.

B. For the additional gross floor area created or for the increase in the use of an industrial connection or for an increased peak flow when an addition is made to an existing industrial building; whichever is greater.

C. For the new use or occupancy of an existing building when such use or occupancy is changed, provided that a credit shall be allowed for any sewer facilities charge previously paid for such property and for any off site sewers previously paid for either in cash or by construction thereof to serve such property, not to exceed the sewer facilities charge imposed for the new use or occupancy.

D. For the new structure where an existing structure is completely or substantially replaced, provided that a credit shall be allowed for any sewer capacity rights previously paid for such property and for any off site sewer capacity right previously paid for either in cash or by construction thereof to serve such property, not to exceed the sewer facilities charge imposed on the new structure, the provisions of this subsection shall not apply. Credit shall only be given based on the immediately preceding use and gross floor area.

No sewer facilities charge shall be imposed for a replacement structure if the replacement is of a structure which was wholly or substantially destroyed by fire, flood, landslide, earthquake or similar cause and is replaced by the party who owned the destroyed structure and the replacement is for the same use and is approximately the same area or will contain approximately the same number of units, dwelling units, rooms, seats, beds or students, or will generate approximately the same peak flow, whichever measure is applicable to the particular occupancy.

E. For any use or occupancy that increases the expectant flow or pollutant discharge. [Added by Ord. No. 2589. Amended by Ord. No. 3677, eff. 8/20/05; 3137, 3035, 2935.]

8-1-807: INSTALLATION BY SUBDIVIDER OF OFF SITE SEWERS AT OWN EXPENSE:

The Director may permit a property owner, subdivider or developer to install off site sewers at his/her own expense. [Added by Ord. No. 2589. Amended by Ord. No. 3677, eff. 8/20/05; 3035.]

8-1-808: OWNER OR OCCUPANT MAY BE REQUIRED TO SUBMIT DATA:

The Director may require a property owner or occupant to submit such plans and other information as may be needed to determine the sewer facilities charge imposed under this article. [Added by Ord. No. 2589. Amended by Ord. No. 3677, eff. 8/20/05; 3035.]

ARTICLE 9. SALE OF RECLAIMED WATER

8-1-901: DEFINITION:

For the purpose of this article, the term "reclaimed water" means tertiary level treated effluent from any sewage treatment facility owned or operated by the City. [Added by Ord. No. 3035. Amended by Ord. No. 3677, eff. 8/20/05.]

8-1-902: SALE OF RECLAIMED WATER:

Unless otherwise provided in this chapter, any contract external to the City regarding the sale of reclaimed water shall be accomplished by Burbank Water and Power. Rates shall be established by a Burbank Fee Resolution approved by the City Council. Any contract for the sale of reclaimed water to a user whose property is substantially outside the corporate limits of the City, may be approved by the Burbank Water and Power, so long as the terms of each such contract are substantially similar to contracts for sale of reclaimed water to users within the corporate limits of the City of Burbank. The authority granted Burbank Water and Power under this section shall include agreements for studies or consultant services relative to potential sales to users substantially outside the corporate limits of the City. [Added by Ord. No. 3035. Amended by Ord. No. 3677, eff. 8/20/05.]

ARTICLE 10. STORM WATER AND RUNOFF POLLUTION CONTROL

8-1-1001: DEFINITIONS:

The following words, phrases and terms as used in this article shall have the meanings ascribed to them:

ACT: Means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

ADVERSE IMPACT: Means a detrimental effect upon water quality or beneficial uses caused by a discharge or loading of a pollutant or pollutants.

BASIN PLAN: Means a water quality control plan for a specific watershed area or areas adopted by a California Regional Water Quality Control Board.

BENEFICIAL USES: Means existing or potential uses of receiving waters as defined in a basin plan.

BEST MANAGEMENT PRACTICE (BMP): Means stormwater and runoff pollution control practices designed to reduce the pollutants contained in discharges to the storm drain system and/or receiving waters.

CITY: Means the City of Burbank.

CITY COUNCIL: Means the Burbank City Council.

CODE OF FEDERAL REGULATIONS (CFR): Means the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government of the United States.

COMMERCIAL ACTIVITY: Means any public or private activity not defined as an industrial activity in 40 CFR 122.26(b)(14), involved in the storage, transportation, distribution, exchange or sale of goods and/or commodities or providing professional and/or nonprofessional services.

CONSTRUCTION ACTIVITY: Means any clearing, grading, or excavation of any real property that results in soil disturbance. Construction activity does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of a facility, nor does it include emergency construction activities required to immediately protect public health and safety.

DEPARTMENT: Means the department of Public Works of the City of Burbank.

DIRECTOR: Means the Public Works Director of the City of Burbank, or his/her authorized deputy, agent, representative or inspector.

DISCHARGE: Means any release, spill, leak, pumping, flow, escape, dumping, or disposal of any gas, liquid, semi-solid, or solid substance.

GOOD HOUSEKEEPING PRACTICE: Means a best management practice related to the transfer, storage, use, or cleanup of materials performed in a regular manner that minimizes the discharge of pollutants to the storm drain system and/or receiving waters.

HAZARDOUS MATERIAL: Means any material defined as hazardous by Chapter 6.95 of the California Health and Safety Code or any substance designated pursuant to 40 CFR 302. This also includes any unlisted hazardous substance which is a solid waste, as defined in 40 CFR 261.2, which is not excluded from regulation as a hazardous waste under 40 CFR 261.4(b), or is a hazardous substance under Section 1321 of the Act, if it exhibits any of the characteristics identified in 40 CFR 261.20 through 261.24.

HAZARDOUS WASTE: Means a hazardous material which is to be discharged, discarded, recycled, and/or reprocessed.

ILLICIT CONNECTION: Means any human-made conveyance that is connected to the storm drain system without a permit, excluding roof drains which convey only stormwater.

ILLICIT DISCHARGE: Means any discharge to the storm drain system that is prohibited under local, state, or federal statutes, ordinances, codes, or regulations. Illicit discharge includes all nonstormwater discharges except discharges pursuant to an NPDES permit or discharges that are exempted or conditionally exempted by such permit.

INDUSTRIAL ACTIVITY: Means any public or private activity which is in any of the 11 categories of activities defined in 40 CFR 122.26(b)(14) and which is required to obtain an NPDES permit.

INDUSTRIAL/COMMERCIAL FACILITY: Means any public or private facility involved and/or used in either the production, manufacture, storage, transportation, distribution, exchange, or sale of goods and/or commodities, and any facility involved and/or used in providing professional and nonprofessional services. This category of facility includes, but is not limited to, any facility defined by the North American Industry Classification System (NAICS).

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT: Means a permit issued by the United States Environmental Protection Agency, the State Water Resources Control Board or a California Regional Water Quality Control Board pursuant to the Act that authorizes discharges to waters of the United States.

NONSTORMWATER DISCHARGE: Means any discharge to the storm drain system and/or receiving waters that is not composed entirely of stormwater.

NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS): Means a classification pursuant to the current edition of the North American Industry Classification System Manual issued by the Executive Office of the President of the United States, Office of Management and Budget, and as the same may be periodically revised.

POLLUTANT: Shall have the same meaning as set forth in Section 502(6) of the Act or as incorporated into the California Water Code Section 13373. Pollutants include, but are not limited to the following:

(1) Commercial and industrial waste (such as fuels, solvents, chemicals, detergents, plastic pellets, hazardous materials or substances, hazardous wastes, fertilizers, pesticides, soot, slag, ash, and sludge);

(2) Metals (such as cadmium, lead, zinc, copper, silver, nickel, and chromium) and nonmetals (such as arsenic, carbon, chlorine, fluorine, phosphorous and sulfur);

(3) Petroleum hydrocarbons (such as fuels, oils, lubricants, surfactants, waste oils, solvents, coolants, and grease);

(4) Eroded soils, sediment, and particulate materials in amounts which may adversely affect the beneficial use of the receiving waters, flora, or fauna of the state;

(5) Animal wastes (such as discharges from confinement facilities, kennels, pens, recreational facilities, stables, and show facilities);

(6) Substances having acidic or corrosive characteristics such as a pH of less than six or greater than nine; and

(7) Substances having unusual coloration or turbidity, levels of fecal coliform, fecal streptococcus, or enterococcus, which may adversely affect the beneficial use of the receiving waters, flora, or fauna of the state.

RECEIVING WATERS: Means all surface water bodies within the City that are identified by a regional board in a basin plan.

REGIONAL BOARD: Means a California Regional Water Quality Control Board.

RUNOFF: Means any stormwater or nonstormwater discharge from any surface and/or drainage area that reaches the storm drain system and/or receiving waters.

STATE BOARD: Means the State Water Resources Control Board.

STORM DRAIN SYSTEM: Means any street, gutter, conduit, natural or artificial drain, channel and watercourse, and/or other facility or any combination thereof, that is owned and/or operated by the City or by Los Angeles County and used for the purpose of collecting, storing, transporting, and/or disposing of runoff.

STORMWATER: Means any water which originates from atmospheric moisture (rainfall or snowmelt) and falls onto land, water, and/or other surfaces.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP): Means a plan required by and for which the contents are specified in an NPDES permit.

STORMWATER RUNOFF: Means stormwater which travels across any surface to the storm drain system and/or receiving waters.

STRUCTURAL BMP: Means any permanent facility constructed to control, treat, store, divert, neutralize, dispose of, and/or monitor runoff in order to reduce or measure pollutants.

UNCONTROLLED DISCHARGE: Means any discharge, intentional or accidental, occurring in such a manner that the discharger is unable to determine or regulate the quantity, quality or effects of the discharge.

U.S. EPA: Means the United States Environmental Protection Agency. [Added by Ord. No. 3677, eff. 8/20/05; Amended by Ord. No. 3721, eff. 6/23/07.]

8-1-1002. GENERAL PROVISIONS.

A. **SHORT TITLE:** The ordinance codified in this article shall be known as the "stormwater and runoff pollution control ordinance of the City of Burbank" and may be referred to as such.

B. **PURPOSE AND INTENT:** The purpose of this article is to protect the health and safety of the residents of the City by protecting the beneficial uses, marine habitats, and ecosystems of receiving waters within the City from pollutants carried by stormwater and nonstormwater discharges. The intent of this article is to enhance and protect the water quality of the receiving waters of the City and the United States, consistent with the Act.

C. **APPLICABILITY OF THIS ARTICLE:** The provisions of this article shall apply to the discharge, deposit or disposal of any stormwater and/or runoff to the storm drain system and/or receiving waters within the City of Burbank.

D. **STANDARDS, GUIDELINES AND CRITERIA:** The Director may establish uniform minimum standards, guidelines, and/or criteria for specific discharges, connections, and/or BMPs. The provisions of this section shall not prohibit the Director from requiring a discharger or permittee from taking additional measures to achieve the objectives of this article or any permit. [Added by Ord. 3677, eff. 8/20/05; Amended by Ord. No. 3721, eff. 6/23/07.]

8-1-1003: DISCHARGE TO THE STORM DRAIN SYSTEM:

A. **ILLICIT DISCHARGES PROHIBITED:** No person shall cause any discharge to enter the storm drain system unless such discharge:

- (1) Consists entirely of stormwater;
- (2) Consists of nonstormwater that is authorized by an NPDES permit issued by the U.S. EPA, the State Board, or a Regional Board;
- (3) Is associated with emergency fire fighting activities; or
- (4) Is otherwise in compliance with the requirements of this article.

B. **INSTALLATION OR USE OF ILLICIT CONNECTIONS PROHIBITED:** No person shall install, maintain or use any connection to the storm drain system or shall cause nonstormwater to be discharged or conveyed through a connection to the storm drain system unless the connection has been permitted by the Director.

C. **REMOVAL OF ILLICIT CONNECTION:** If any person fails to remove an illicit connection upon notification by the Director, or upon revocation of a connection permit, the Director may remove such connection from the storm drain system pursuant to Section 8-1-1002 of this article. The Director may pursue the recovery of costs for such removal pursuant to Section 8-1-1002 of this article.

It is unlawful for any person, firm, corporation, municipality or district to interfere with, cause damage to, destroy or use in any manner whatsoever any flood control, storm drain or water conservation structure, facility, appurtenance, or any other property owned, constructed, maintained or controlled by or on behalf of the City of Burbank, without having received a written permit, which shall be revocable whenever, in the opinion of the Director, the public interest and welfare require the revocation thereof. Application for the use of any property of the City shall be made to the Director, setting forth the particular use desired and the purpose and duration thereof, and the Director shall investigate such application and may impose such terms and conditions as may be necessary to insure the proper maintenance of the property for the purpose for which it was constructed, acquired or maintained. This section does not apply to any entry or use in the course of duty by any peace or police officer, or by a duly authorized employee of the City of Burbank.

D. POLLUTING OR DAMAGING SUBSTANCES PROHIBITED

(1) No person shall cause any refuse, rubbish, food waste, garbage, or any other discarded or abandoned objects to be littered, thrown, deposited, placed, left, accumulated, maintained or kept in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit, drainage structure, place of business, or upon any public or private property except when such materials are placed in containers, bags, recycling bins, or other lawfully established waste disposal facilities protected from stormwater or runoff.

(2) No person shall cause the disposal of hazardous materials or wastes into trash containers used for municipal trash disposal.

(3) No person shall cause to be discharged to the storm drain system any pesticide, fungicide, or herbicide prohibited by the U.S. EPA or the California Department of Pesticide Regulation.

(4) No person shall cause the accumulation of pollutants, leaves, dirt, or other landscape debris into a street, alley, catch basin, culvert, curb, gutter, inlet, ditch, natural watercourse, flood control channel, canal, storm drain, or any fabricated or natural conveyance.

(5) No person shall cause the disposal of sanitary or septic waste or sewage into the storm drain system from any property or residence or any type of recreational vehicle, camper, bus, boat, holding tank, portable toilet, vacuum truck or other mobile source of waste holding tank, container or device.

(6) No person shall discharge, cause, permit, or contribute to the discharge to the storm drain system or receiving waters any pollutant that injures or constitutes a hazard to human, animal, plant or aquatic life, or creates a public nuisance.

(7) No person shall discharge, cause, permit, or contribute to the discharge to the storm drain system or receiving waters any noxious or malodorous liquid, gas, or solid in sufficient quantity, either singly or by interaction with other materials, which creates a public nuisance, hazard to life, or inhibits authorized entry of any person into the storm drain system.

E. STORMWATER AND RUNOFF POLLUTION MITIGATION FOR CONSTRUCTION ACTIVITY: No person shall commence any construction activity for which a permit is required by Title 9 Chapter 1 of this code without implementing all stormwater and runoff pollution mitigation measures required by such permit.

F. PROHIBITED DISCHARGES FROM INDUSTRIAL OR COMMERCIAL ACTIVITY: The following discharges from industrial or commercial activities are prohibited unless the discharge is in compliance with an NPDES permit:

- (1) Discharge of wash waters to the storm drain system from the cleaning of gas stations, auto repair garages, or other types of auto repair facilities;
- (2) Discharge of wastewater to the storm drain system from mobile auto washing, steam cleaning, mobile carpet cleaning, and other such mobile commercial and industrial operations;
- (3) Discharge to the storm drain system from areas where repair of machinery and equipment, including motor vehicles, which are visibly leaking oil, fluids or coolants is undertaken;
- (4) Discharge to the storm drain system from storage areas for materials containing grease, oil, or hazardous materials, or uncovered receptacles containing hazardous materials, grease, or oil;
- (5) Discharge of swimming pool filter backwash to the storm drain system;
- (6) Discharge from the washing of toxic materials from paved or unpaved areas to the storm drain system;
- (7) Discharge from the washing out of concrete trucks, concrete mixers or other construction equipment to the storm drain system; or
- (8) Discharge from the washing or rinsing of mats, grates, floor coverings, equipment or garbage bins or cans from any commercial kitchen, or from any other commercial food preparation or processing activity into the storm drain system.
- (9) Discharge of untreated runoff from the washing of impervious surfaces into the storm drain system. This provision shall apply unless the washing is specifically required by State codes or unless the discharge is conditionally exempt.

G. INDUSTRIAL/COMMERCIAL FACILITY SOURCES REQUIRED TO OBTAIN AN NPDES PERMIT: Any industrial or commercial facility required to have an NPDES permit shall retain on-site and, upon request, make immediately available to the Director the following documents as evidence of compliance with permit requirements, as applicable:

- (1) A copy of an NPDES permit or notice of intent to comply with a general permit to discharge stormwater associated with industrial activity as submitted to the state board or report of waste discharge as submitted to a regional board of jurisdiction;
- (2) A waste discharge identification number issued by the state board or copy of the NPDES permit issued by a regional board;
- (3) A SWPPP and a monitoring program plan or group monitoring plan;
- (4) Stormwater quality data; and
- (5) Evidence of facility self-inspection.

H. PUBLIC FACILITY SOURCES REQUIRED TO OBTAIN AN NPDES PERMIT: Any public facility required to have an NPDES permit shall retain on-site and, upon request, make immediately available to the Director the following documents as evidence of compliance with permit requirements, as applicable:

- (1) A copy of an NPDES permit or notice of intent to comply with a general permit to discharge stormwater associated with industrial activity as submitted to the state board or report of waste discharge as submitted to a regional board of jurisdiction;
- (2) A waste discharge identification number issued by the state board or copy of the NPDES permit issued by a regional board;
- (3) A SWPPP and a monitoring program plan or group monitoring plan;
- (4) Stormwater quality data; and
- (5) Evidence of facility self-inspection.

I. NOTIFICATION OF UNCONTROLLED DISCHARGES REQUIRED

(1) Upon the discovery of an uncontrolled discharge to the storm drain system, the discharger or permittee shall immediately notify the Director of the incident by telephone in addition to any other notifications to public agencies as may be required by law. The notification shall include location of the discharge, type of materials discharged, estimated concentration and volume of the discharge, and corrective actions taken to contain or minimized the effects of the discharge.

(2) Within 10 calendar days after the first discovery of the uncontrolled discharge, the discharger or permittee shall submit to the Director a detailed written report describing the cause of the discharge, corrective action taken and measures to be taken to prevent future occurrences, and measures taken to remediate the effects of the discharge. Such notification shall not relieve the discharger or permittee from liability or fines incurred as a result of the uncontrolled discharge. [Added by Ord. No. 3677, eff. 8/20/05; Amended by Ord. No. 3721, eff. 6/23/07.]

8-1-1004: RUNOFF MANAGEMENT REQUIREMENTS:

A. Good Housekeeping Provisions: An owner or occupant of any property shall comply with the following good housekeeping requirements:

(1) No person shall leave, deposit, discharge, dump, or otherwise expose any chemical, fuel, animal waste, garbage, batteries, and/or septic waste in an area where actual or potential discharge to the City streets or the storm drain system may occur. Any spills, discharge, or residues shall be removed as soon as possible and disposed of properly.

(2) Runoff from landscape irrigation, air conditioning condensate, water line flushing, foundation/footing drains, individual residential car washing, dechlorinated swimming pool discharges and sidewalk rinsing shall be conducted in a manner not in violation of other provisions of this code.

(3) Runoff from rinsing/washing paved areas, including, but not limited to, parking lots, on industrial or commercial property is prohibited unless specifically required by Federal, State, or local health or safety codes and not in violation of any other provision of this code. Runoff from authorized rinsing/washing of paved areas shall be minimized to the extent practicable.

(4) Objects, such as motor vehicle parts, containing grease, oil, or other hazardous materials, and unsealed receptacles containing hazardous materials, shall not be stored in areas exposed to storm water or otherwise susceptible to runoff.

(5) Any machinery or equipment which is to be repaired or maintained in areas exposed to storm water or otherwise susceptible to runoff shall be provided with containment areas to control leaks, spills, or discharges.

(6) All motor vehicle parking lots with more than twenty five (25) parking spaces and located in areas exposed to storm water or otherwise susceptible to runoff shall have all debris removed by regular sweeping or other equally effective measures. Such debris shall be collected and properly disposed of.

B. Best Management Practices for Construction Activity: All BMPs required as a condition of any permit for construction activity granted pursuant to Title 9, Chapter 1 of this code shall be maintained in full force and effect during the term of the project, unless otherwise authorized by the Director.

C. Best Management Practices For Industrial And Commercial Facilities: All industrial and commercial facilities shall implement BMPs to the maximum extent practicable. Minimum BMPs applicable to all industrial and commercial facilities include, but are not limited to:

- (1) Termination of all nonstorm water discharge to the storm drain system that is not specifically authorized by an NPDES permit;
- (2) Exercising general good housekeeping practices;
- (3) Incorporating regular scheduled preventive maintenance into operations;
- (4) Maintaining spill prevention and control procedures;
- (5) Implementing soil erosion control;
- (6) Posting on site private storm drains to indicate that they are not to receive liquid or solid wastes;
- (7) Implementing regular cleaning of the on site private storm drain system; and
- (8) Ensuring that storm water runoff is directed away from operating, processing, fueling, cleaning and storage areas.

D. Installation of Structural BMPs: No person shall install a structural BMP for the purpose of treating, neutralizing, disposing of, monitoring or diverting to the sanitary sewer system any runoff without the approval of the Director. Such facilities may be subject to plan review, application and issuance of operating permits pursuant to Article 5 of this chapter.

E. BMPs to Be Consistent with Environmental Goals: No person shall install or implement a BMP that transfers pollutants to air, ground water, surface soils and/or other media in a manner inconsistent with applicable environmental laws and regulations. [Added by Ord. No. 3677, eff. 8/20/05.]

8-1-1005: VIOLATIONS AND ENFORCEMENT:

A. ENFORCEMENT -- DIRECTOR'S POWERS AND DUTIES: The Director shall have primary responsibility for the enforcement of the regulations in this article. The Director may enter into agreements with other departments for the purpose of implementing this article.

B. IDENTIFICATION FOR INSPECTORS AND MAINTENANCE PERSONNEL: The Director shall provide means of identification to inspectors and storm drain system maintenance personnel which shall identify them as such. Inspectors and storm drain system maintenance personnel shall identify themselves upon request in the performance of their duties under this article.

C. OBSTRUCTING ACCESS TO FACILITIES PROHIBITED: No object, whether a permanent structure, a temporary structure, or any object which is difficult to remove, shall be located on any storm drain easement or placed in such a position as to interfere with the ready and easy access to any facility conveying stormwater or runoff as described in this article unless authority is granted by the Director. Upon notification by the Director, any such obstruction shall be immediately removed by the responsible party at no expense to the City, and shall not be replaced.

D. INSPECTION TO ASCERTAIN COMPLIANCE -- ACCESS REQUIRED

- (1) The Director may inspect in a manner authorized by state law, as often as he/she

deems necessary, any publicly or privately owned storm drain, storm drain connection, street, gutter, yard, plant, storage facility, building, BMP, NPDES permit, SWPPP, stormwater management plan, construction activity or other facility to ascertain whether such facilities, plans, or protective measures are in place, maintained and operated in accordance with the provisions of this article.

(2) In the course of such inspection, the Director may:

(a) Inspect, sample, make flow measurements of any runoff, discharge or threatened discharge;

(b) Place on the premises devices for runoff or discharge sampling, monitoring, flow measuring or metering;

(c) Inspect, copy, or examine any records, reports, plans, test results or other information required to carry out the provisions of this article, to the extent allowed by law; and

(d) Photograph any materials, storage areas, waste, waste containers, BMP, vehicle, connection, discharge, runoff and/or violation discovered during an inspection.

E. INTERFERENCE WITH INSPECTOR PROHIBITED: No person shall, during reasonable hours, refuse, restrict, resist or attempt to resist the entrance of the Director into any building, factory, plant, yard, construction project or other place or portions thereof in the performance of his/her duty within the powers conferred upon him/her by law.

F. NOTICE TO CORRECT VIOLATIONS - DIRECTOR MAY TAKE ACTION: The Director may issue a notice of violation and order to comply to achieve compliance with the provisions of this article. Failure to comply with the terms and conditions of a notice of violation and order to comply shall constitute a violation of this article.

If a person fails to comply with an order issued under this section to remove an illicit connection, obstruction or other encroachment to the storm drain system, the Director may perform the work as provided in Section 8-1-1005.H. of this article. The person responsible for installing or operating such a facility shall be liable to the City for the cost of such work, including reasonable attorneys fees and other costs of enforcement, to be recovered in a civil action in any court of competent jurisdiction.

G. VIOLATION A PUBLIC NUISANCE: Any discharge in violation of this article, any illicit connection, and/or any violation of runoff management requirements shall constitute a threat to public health and safety and is declared and deemed a public nuisance.

H. NUISANCE ABATEMENT -- DIRECTOR TO PERFORM WORK WHEN - COSTS
Whenever a nuisance shall be found to exist on any premises, the Director may summarily abate such nuisance upon determination that the nuisance constitutes an immediate threat to public health or safety, or the Director may notify in writing the person(s) having control of or acting as agent for such premises to abate or remove such nuisance within such time as is stated on the notice. Upon the failure or refusal of such person(s) to comply with the notice, the Director may abate such nuisance in the manner provided by law. The person(s) having control of such premises, in addition to the penalties provided by this article, shall be liable to the City for any costs incurred by the City for such abatement, including reasonable attorneys fees and other costs of enforcement, to be recovered in a civil action in any court of competent jurisdiction.

I. VIOLATION—PENALTY: Any person, firm, corporation, municipality or district or any officer or agent of any firm, corporation, municipality or district violating any provision of this article shall be guilty of a misdemeanor. Such violation shall be punishable by a fine of not more than \$1,000.00 or by imprisonment in the City jail for a period not to exceed six months, or by both such fine and imprisonment. Each day during any portion of which such violation is committed, continued or permitted shall constitute a separate offense and shall be punishable as such.

J. PENALTIES NOT EXCLUSIVE: Penalties under this article are in addition to, and do not supersede or limit, any and all other penalties or remedies provided by law.

K. CONFLICTS WITH OTHER CODE SECTIONS: The provisions of this article shall control over any inconsistent or conflicting provisions of this code.

L. SEVERABILITY: If any portion of this article or the application thereof to any person or circumstances is held invalid, the remainder of this article, and the application of such provisions to other persons or circumstances, shall not be affected thereby. [Added by Ord. No. 3677, eff. 8/20/05; Amended by Ord. No. 3721, eff. 6/23/07.]

8-1-1006: ADOPTION OF THE “STANDARD URBAN STORM WATER MITIGATION PLAN FOR LOS ANGELES COUNTY AND CITIES IN LOS ANGELES” ISSUED BY THE REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES REGION ON MARCH 8, 2000:⁶

The "Standard Urban Storm Water Mitigation Plan" ("SUSMP") for Los Angeles County and cities in Los Angeles issued by the Regional Water Quality Control Board, Los Angeles Region on March 8, 2000, and as amended by the December 2001 permit and amended thereafter, is, except as hereinafter provided in this article, hereby adopted, and by this reference made a part of this code with the same force and effect as though set out in full herein. Said SUSMP, is on file and open to public inspection in the Office of the City Clerk. [Added by Ord. No. 3552, eff. 10/10/00; Amended and formerly numbered Section 25-1005 by Ord. No. 3677, eff. 8/20/05.]

8-1-1007: AUTHORITY OF DIRECTOR AND BUILDING OFFICIAL TO IMPLEMENT SUSMP:

The Director of Public Works and the Building Official shall make rules and regulations when necessary to interpret the SUSMP fairly. Such rules shall be published and maintained at the Office of the City Clerk. Such rules may include the adoption of a fee to pay for the City's expenses related to the implementation of the SUSMP. If so, such fee shall not be effective until it is set forth in the City's Fee Resolution.

The Building Official has the authority to enter into covenants, on behalf of the City, to assure that proper maintenance of the BMPs which shall be recorded with the Los Angeles

6. See also Section 9-1-1913 of this code.

County Recorder's Office, and run with the land. Such covenant may require annual self-certification by the developer or other responsible party of compliance with the ongoing maintenance obligations. Such covenant may be released if alternative BMPs have been substituted into the project, or are otherwise no longer necessary. [Added by Ord. 3552. Amended by Ord. No. 3677, eff. 8/20/05.]

CHAPTER 2

UTILITIES

SECTION:

Article 1. Water

- 8-2-101: Definitions
- 8-2-102: Utility Rate Resolution
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ARTICLE 1. WATER⁷

8-2-101: DEFINITIONS:

As used in this article, unless the context otherwise clearly indicates, the following terms shall mean:

BATTERY: A metering installation consisting of two (2) or more meters installed at the same service location and operating in parallel as a substitute for a single larger meter.

CONSUMER OR CUSTOMER: The person in whose name service is rendered as evidenced by the signature on the application, contract, or agreement for such service, or, in the absence of a signed instrument, by the receipt and payment of bills regularly issued in the name of such person regardless of the identity of the actual user of the service.

DEPARTMENT: The Public Service Department of the City.

GENERAL MANAGER: The General Manager of the Public Service Department.

PREMISES: All real property, buildings and appurtenances occupied by an owner, lessee or tenant as a dwelling or a business, commercial or industrial enterprise upon an integral parcel of land undivided by a street.

SERVICE CONNECTION: The pipeline extending from the Department's water main, whether located in a public thoroughfare or private right of way, to the curb line or property line of the consumer's premises, together with the valves, meter and fittings necessary to connect to the consumer's private pipeline. [Formerly numbered Section 30-1; renumbered by Ord. No. 3058, eff. 2/27/87.]

8-2-102: UTILITY RATE RESOLUTION⁸:

All fees, penalties, refunds, reimbursements, and charges of any kind collected by the City pursuant to the provisions of this article shall be specified in the Utility Rate Resolution, as amended by the council from time to time. Whenever applicable throughout this article, reference shall be made to the Utility Rate Resolution in lieu of any reference to specific fee amounts. [Formerly numbered Section 30-2; renumbered by Ord. No. 3058, eff. 2/21/87; 2913.]

7. State law reference: As to Public Utility Commission regulation of water distributors to municipalities, see Pub.Util.C. §§ 2702, 2703. As to authority of a municipality to operate public utilities, see Pub.Util.C. § 10001 et seq. As to acquisition of water and facilities by municipalities, see Gov.C. § 13000 et seq. and Health & S.C. § 25249.5.

8. State law reference: As to fixing distribution rates of water, see Const. Art. XI, § 9.

8-2-103: RULES AND REGULATIONS:

The General Manager may prescribe, from time to time as he deems necessary or desirable, rules and regulations, not in conflict with this article, relating to conditions of service and application, administration, and interpretation of rates in the Utility Rate Resolution and the provisions set forth in this article. Upon any failure to comply with the rules and regulations of the General Manager, or to pay rates, or to pay any fee, charge, or penalty prescribed by this article or as may be provided in the Utility Rate Resolution, water service may be turned off until the rules and regulations have been complied with and all appropriate fees, charges, or penalties have been paid. [Formerly numbered Section 30-3; renumbered by Ord. No. 3058, eff. 2/27/87; 2913, 2460, 2274.]

8-2-104: SPECIAL CONDITIONS OF SERVICE:

The General Manager may establish and enforce charges for furnishing and supplying water service to any installation of a character not adequately provided for in this article, provided that such charges shall be consistent with rates and charges prescribed in the Utility Rate Resolution. [Formerly numbered Section 30-4; renumbered by Ord. No. 3058, eff. 2/21/87; 2913.]

8-2-105: METERING:

For the purpose of computing charges, each meter upon the customer's premises will be considered separately, and readings of two (2) or more meters will not be combined as equivalent to measurement through one meter except in those instances in which the Department, for its operating convenience, substitutes two (2) or more meters of a smaller size in battery for a single larger meter. [Formerly numbered Section 30-5; renumbered by Ord. No. 3058, eff. 2/21/87.]

8-2-106: PAYMENT FOR SERVICE:

A. Time and Manner Of Paying Bills: Bills, except as may otherwise be provided for in the Utility Rate Resolution, are due and payable on presentation and become delinquent fifteen (15) days after presentation. After a bill is delinquent the General Manager may discontinue water service and turn off the water at any time without further notice.

B. Unpaid Bills: In the event any bill for water service is not paid in accordance with the provisions of this article, the Utility Rate Resolution, or the rules and regulations of the General Manager, the amount of such unpaid bill may become a lien upon the property and be collected at the same time and in the same manner as all taxes on real property in the City. [Formerly numbered Section 30-6; renumbered by Ord. No. 3058, eff. 2/27/87; 2913.]

8-2-107: RATES AND BILLING FOR GENERAL SERVICE:

The rates to be charged and collected by the General Manager for water supplied in any one month for domestic, commercial, or industrial service, within the City, shall be as set forth in the Utility Rate Resolution. [Formerly numbered Section 30-9; renumbered by Ord. No. 3058, eff. 2/21/87; 2913, 2460, 2274.]

8-2-108: RATES AND BILLING FOR TEMPORARY SERVICE:

The rates to be charged and collected by the General Manager for temporary water service shall be as set forth in the Utility Rate Resolution. [Formerly numbered Section 30-10; renumbered by Ord. No. 3058, eff. 2/21/87; 2913, 2460, 2274.]

8-2-109: RATES AND BILLING FOR PRIVATE FIRE SERVICE:

The rates to be charged and collected by the General Manager for supplying water and service for private fire services shall be as set forth in the Utility Rate Resolution. [Formerly numbered Section 30-11; renumbered by Ord. No. 3058, eff. 2/21/87; 2913, 2460, 2274.]

8-2-110: CHARGES FOR NEW SERVICE CONNECTIONS:

A. General Service: For each lot which requires a new service connection or revised service connection, the customer shall pay to the City all charges required pursuant to Sections 8-2-111 and 8-2-112 of this article and a charge for the cost of the service installation or revision equal to the cost of labor, material, equipment, and overhead for such installation or revision. The General Manager will furnish and install, and thereafter maintain, all equipment and materials for service and meter installations. Ownership and title to all such equipment and materials shall remain in the City.

B. Fire Service: For each lot which requires private fire line protection services, the customer shall pay to the City all charges for the cost of such services, including, at a minimum, a bypass meter, single check valve, and housing. A double detector check valve assembly may be required at the discretion of the General Manager, after consulting with the Health Officer. The single check valve and the double detector check valve assemblies shall be installed, whenever practical, on the property of the customer and above ground in an accessible location for meter reading. The bypass meter will be provided by the City and installed by the customer. All single check valve assemblies shall be maintained by the General Manager. The customer shall maintain all double detector check valve assemblies and administer all tests required by the Health Officer. [Formerly numbered Section 30-12; renumbered by Ord. No. 3058, eff. 2/21/87; 2913, 2460, 2274.]

8-2-111: WATER MAIN CHARGE:

No person shall connect any lot to the City water system unless the applicable charges designated in the Utility Rate Resolution have been paid.

A. Existing Mains:

(1) A water main charge shall be required for all lots sought to be connected to the City water system. The charge shall be either the minimum charge per lot, or the applicable rate per gross or net acre, as designated in the Utility Rate Resolution, whichever is greater.

(2) Water main charges payable by any department of the City shall be only one-half ($\frac{1}{2}$) of such specified charges. Any such charges to a department of the City may be cancelled, wholly or in part, by the General Manager with the approval of the City Manager, when such charges are related to any City improvement, including improvements required under contract with other governmental agencies, and the collection thereof is determined by him to be an inequitable charge to such improvement.

(3) Property which has wholly or proportionately paid the water main charges, when such fact has been or can be established to the satisfaction of the General Manager, need pay only the water main charges applicable to the portion of the property for which the charges have not been paid.

(4) Areas dedicated or condemned for public street and alley purposes shall be excluded in computing water main charges.

(5) Where, in the opinion of the General Manager, the property abutting the water main extension is of a character such that it is not probable that water service will ever be rendered thereto, such frontage may be excluded for purposes of computing water main charges.

B. Water Main Extension And Construction Of Improvements:

(1) Except as hereinafter provided, all lots shall be served with water from a water main approved by the General Manager. In the event there is no such main, or such main is, in the opinion of the General Manager, inadequate or substandard, an extension of a water main approved by the General Manager shall be required as a condition of receiving service. Such extension shall be made at the expense of the person applying for service.

(2) Water main extensions shall extend from the nearest water main or mains in place to and for the length of that portion of the street or right of way on which the property to be served fronts, or to which it is contiguous. In the event the General Manager finds the strict application of this section inequitable as to any particular property, he is authorized to modify this requirement so as to make it equitable in its application. Such extension shall be of such design, material, and capacity to meet the requirements for a distribution main in the territory to be immediately or ultimately served thereby, as determined by the General Manager in accordance with efficient operating requirements of the water system.

(3) Where the installation of a water main extension becomes necessary or desirable in substantially underdeveloped areas not subject to new subdivisions or resubdivisions or where said areas are not properly served by water mains installed in existing developed streets, the General Manager may determine that close adherence to the provisions of this section is not practicable and may then proceed to make equitable distribution of main extension charges among the various property owners to be served by such main as each property is developed. The General Manager is hereby authorized to adjust any inequity that may arise under the foregoing conditions by calculating the cost of installing mains, valves, hydrants, and fittings adequate to serve all the prospective customers that would benefit from such a complete main extension and to prorate this cost to the property owners of the lots so benefited on the basis of the front footage or total square footage of the lot or parcel of land to be served. Construction of the main extension would be performed as required and the charges therefore allocated to the property owners at the time applications for service connection are received.

C. Exception: The provisions of this section do not apply to any division of land processed pursuant to the provisions of Title 11, Chapter 1 of this code. [Formerly numbered Section 30-13; renumbered by Ord. No. 3058, eff. 2/21/87; 2913, 2274.]

8-2-112: SPECIAL FACILITIES CHARGE:

A. Requirements: When water service is required for property at an elevation above sea level of eight hundred ninety feet (890') or higher, payment of a special facilities charge shall be required in addition to all other charges set forth in Section 8-2-111 of this article before application for water service to the said property can be accepted by the Department, except when the special facilities charge has been paid by a previous owner of and for the same parcel of land, or when water service can be obtained from an existing water main for which there is no special facilities charge outstanding.

B. Contents: Special facilities charge shall include the entire cost of the facilities required, including, but not limited to:

(1) Cost of land for reservoir, booster pumping plant, water main extension from existing water main to the reservoir site, and access roadway to the reservoir site, cost of the reservoir, booster pumping plant, water mains except those portions subject to the water main and fire hydrant charge, necessary equipment appurtenant thereto, and the cost of installation thereof; grading, paving, retaining walls, curbs, drainage work and structures; and other necessary works to make said water plant facilities a permanent operating water installation integrated with the water system of the City.

(2) Location, size, capacity, and other specifications for the aforesaid water plant facilities shall be prescribed by the General Manager.

(3) All of the aforesaid land acquisitions, water plant and installations, facilities and equipment, shall be owned solely by the City and integrated as part of the water system of the City.

C. Refunds: When said special facilities water main extension is to be utilized to serve properties additional to that of the original applicant for whom installed, the Department shall collect a special facilities charge from the owner of said additional property to be served, as a condition precedent to acceptance of the application and furnishing water service from said water main extension, and the amount so collected by the Department shall be refunded to such original applicant. Collection of the special facilities charge for the purpose of making a refund to the original applicant shall be on a pro rata basis, which shall be the ratio that the frontage or area paralleling the water main for that lot or parcel of land bears to the total frontage of area of all lots or parcels of land paralleling the same water main extension as aforesaid between elevation eight hundred ninety feet (890') and one hundred feet (100') below the bottom of the reservoir(s). To ascertain frontage, when said water main extension is entirely in, on, or over a lot or parcel of land owned by an applicant for such water service, so that no other land ownership fronts on such water main extension, the frontage shall be double the length of said water main extension.

Refunds shall be made only if, as, and when special facilities charges are collected from other consumers requiring service from this water main extension within fifteen (15) years of date of payment, and not otherwise. Any charges collected subsequent to said fifteen (15) year period shall become the property of the Department.

D. Exception: The provisions of this section do not apply to any division of land processed pursuant to the provisions of Title 11, Chapter 1 of this code. [Formerly numbered Section 30-14; renumbered by Ord. No. 3058, eff. 2/21/87; 2913, 2274.]

8-2-113: CUSTOMER'S RESPONSIBILITY:

A. The customer shall, at his own risk and expense, furnish, install, and keep in good and safe condition all water pipes, machinery, and apparatus which may be required for receiving water from the City at the point of delivery and for applying and utilizing such water. The City shall not be responsible for any loss or damage occasioned or caused by negligence or want of care on the part of the customer in installing, maintaining, using, or operating such water pipes, apparatus, appliances, or fixtures.

B. No alteration, addition, or disconnection in or about any water pipes or apparatus of the City water system shall be made without written permission granted by the General Manager.

C. No customer shall make, or allow any other person to make, any connection to or extension of such customer's piping for the purpose of supplying any other person with water service, except by the express written consent of the General Manager. The General Manager is hereby authorized to act for and on behalf of the City for the purpose of this section. In addition to prosecution for violation of this section, violators shall be subject to discontinuance of water service until such connection has been disconnected, and the fee designated in the Utility Rate Resolution for restoration of service has been paid.

D. No person other than a duly authorized employee of the City shall connect any customer's water pipes and apparatus with the City's mains. No person other than a duly authorized employee of the City shall open or turn on any City water valve regulating the flow of water from the City water mains to any customer's premises after such valve shall have been turned off by the General Manager for nonpayment of charges for water or at the request of the present customer or a previous customer, or for any other reason.

E. No owner, lessee, tenant or other person in possession of or having charge and control of any premises connected to the City water system shall use or permit to be used any water from such system through the customer's water pipes connected with such system, unless prior to such use, water service to such premises shall have been granted by the General Manager pursuant to application made by such person or the person under whom he holds such possession or charge and control, and such water service has not been discontinued in any manner set forth in subsection D of this section.

F. A special charge in an amount designated in the Utility Rate Resolution shall be assessed against any person or persons violating any provision of this section. This special charge shall cover the expense to the City of checking such water main or connection and turning it off again after it has been turned on in violation of subsection D or E of this section. This charge shall be in addition to any other remedy, civil or penal, which may be available to the City to enforce the provisions hereof, and all such remedies shall be cumulative at the election of the City.

G. Any repair to or replacement of City property necessitated by a violation of this section, and the installation of any device necessary to prevent further violations of this section, shall be made at the expense of the customer, at the rate designated in the Utility Rate Resolution. [Added by Ord. No. 2913; formerly numbered Section 30-15; renumbered by Ord. No. 3058, eff. 2/21/87.]

8-2-114: RATE REVIEW POLICY:

A. Policy Statements: The utility must remain self-supporting from a financial standpoint and requires rates sufficient to maintain its financial health. Because costs can change suddenly and materially, a regular review and report on rates is necessary. A regular review will provide the City with the information needed to maintain adequate rates.

The approach to rate review shall be to compare biennially revenue required to the revenue produced by current rates. Results of this comparison will be provided by the General Manager to the Public Service Board and the Council along with recommendations as to the need for rate changes, if any. The Council will then direct the City Manager to prepare revised rates if it deems them to be necessary.

B. Revenue Requirements: The General Manager will prepare an analysis to determine the Water Division's revenue requirements utilizing a generally accepted regulatory approach. The revenue requirements will be based on the prior year's audited financial data as to expenses plus return on rate base. The revenue requirements will include changes to the various expense categories known or expected to occur after the prior fiscal year. The total revenue requirement will be used to compute any change needed for the utility as a whole.

C. Report: The report will discuss the significance of differences between revenue requirements and the revenue generated by current rates. The report will be presented in terms of the adequacy of current rates. The report will be prepared at least biennially, commencing March 1, 1985, or more often if directed to do so by Council. The due date of the prepared report may be extended by resolution of the Council, but such report must be prepared, in any event, no later than sixty (60) days after its original due date. [Added by Ord. No. 2913. Amended by Ord. No. 3058, eff. 2/21/87.]

ARTICLE 2. ELECTRICAL RATES AND SERVICES

8-2-201: DEFINITIONS:

As used in this article, unless the context otherwise clearly indicates:

BILLING DEMAND: The load or demand used for computing charges under rate schedules based on the size of the customer's load or demand. For the purpose of this article, "billing demand" may be the connected load, the measured maximum demand or a modification of either as provided for in the Utility Rate Resolution.

CONNECTED LOAD: The sum of the rated capacities of all of the customer's equipment that can be connected to the department's lines at any one time as more completely described in the Utility Rate Resolution.

CONSUMER OR CUSTOMER: The person in whose name service is rendered as evidenced by the signature on the application, contract, or agreement for such service, or, in the absence of a signed instrument, by the receipt and payment of bills regularly issued in the name of such person regardless of the identity of the actual user of the service.

DEPARTMENT: The Burbank Water and Power Department.

DISABLED PERSON: An individual who has a permanent "physical disability", as that term is used and defined in Section 12926 of the California Government Code; provided that it shall also include any person who requires the use of an essential life support device that operates on household current even if the person does not have a "physical disability" within the meaning of Section 12926 of the California Government Code.

GENERAL MANAGER: The General Manager of the department, or his or her designee.

PREMISES: All of the real property and apparatus employed in a single enterprise on an integral, undivided parcel of land, except that land occupied by an industrial, agricultural, public, or quasi-public institution, or by an oil field or resort enterprise may be divided by a dedicated street, highway, or other public thoroughfare, or a railway. Automobile parking lots constituting a part of and adjacent to a single enterprise may be separated by an alley from the remainder of the premises served provided the customer's wiring across the alley is underground, and copies of all permits for the alley crossing, as required by public authorities, are filed with the department.

PRIMARY DISTRIBUTION SERVICE: Service supplied at one level of transformation below thirty four thousand five hundred (34,500) volts.

SECONDARY DISTRIBUTION SERVICE: Service supplied at two (2) or more levels of transformation below thirty four thousand five hundred (34,500) volts.

UTILITY RATE RESOLUTION: The Burbank Fee Resolution in those years when the City Council establishes the rates for electric service in the Burbank Fee Resolution. [Added by Ord. No. 2953. Amended by Ord. No. 3678, eff. 10/8/05; 3058.]

8-2-202: UTILITY RATE RESOLUTION:

All fees, penalties, refunds, reimbursements, and charges of any kind collected by the City pursuant to the provisions of this article shall be specified in the Utility Rate Resolution, as amended by the Council from time to time. Whenever applicable throughout this article, reference shall be made to the Utility Rate Resolution in lieu of any reference to specific fee amounts. [Added by Ord. No. 2953. Amended by Ord. No. 3058, eff. 2/21/87.]

8-2-203: RULES AND REGULATIONS:

The General Manager may prescribe, from time to time as he deems necessary or desirable, rules and regulations, not in conflict with this article, relating to conditions of service and application, administration, and interpretation of rates in the Utility Rate Resolution and the provisions set forth in this article. Upon any failure to comply with the rules and regulations of the General Manager, or to pay rates or to pay any fee, charge, or penalty prescribed by this article or as may be provided in the Utility Rate Resolution, electric service may be turned off until the rules and regulations have been complied with and all appropriate fees, charges, or penalties have been paid. [Added by Ord. No. 2953. Amended by Ord. No. 3058, eff. 2/21/87.]

8-2-204: SPECIAL CONDITIONS OF SERVICE:

The General Manager may establish and enforce reasonable charges for furnishing and supplying electrical energy and service to any installation of a character not adequately provided for in this article, provided that such charges shall not exceed the full cost as determined by the Department for providing such energy and service. [Added by Ord. No. 2953; formerly numbered Section 30-23; renumbered by Ord. No. 3058, eff. 2/21/87.]

8-2-205: METERING:

A. For the purpose of computing charges, each meter upon the customer's premises will be considered separately, and readings of two (2) or more meters will not be combined as equivalent to measurement through one meter except where:

(1) Combinations of meter readings are specifically provided for in the Utility Rate Resolution; or

(2) The maintenance of adequate service or where the department's operating convenience shall require the installation of more than one meter upon the customer's premises. [Added by Ord. No. 2953; formerly numbered Section 30-24; renumbered by Ord. No. 3058, eff. 2/21/87.]

8-2-206: RATES AND BILLING FOR RESIDENTIAL SERVICE:

A. General: The rates to be charged and collected by the General Manager for furnishing and supplying electrical energy and service for residential lighting and household purposes to consumers within the City and the terms and conditions respecting such rates shall be as set forth in the Utility Rate Resolution.

B. Lifeline Service: Any residential customer: 1) who resides in a household with a gross annual income less than the amount established by the Council in the Burbank Fee Resolution, and 2) who is: a) sixty two (62) years of age or older, b) a "disabled person" (as defined in Section 8-2-201 of this article), or c) the head of the household in which a disabled person resides, shall be eligible for the lifeline service rate set forth in the Utility Rate Resolution.

C. Adjustment of Household Income Levels:

(1) An annual adjustment of the income levels mentioned in subsection B of this section shall be made by replacing, if different, the income level figures appearing in the Burbank Fee Resolution with the most recent figures for "very low family income" households published by the U.S. Department of Housing and Urban Development ("HUD") in its "Income Limits For Public Housing And Section 8 Programs" for the Los Angeles-Long Beach (Los Angeles County) area (hereinafter "HUD guidelines"). Should the title of the HUD guidelines change or vary from the foregoing, the document published by HUD most closely approximating the intent and purpose of the HUD guidelines shall be utilized.

(2) Nothing in this section shall prevent the Burbank City Council from setting income levels greater or less than indicated in the HUD guidelines.

D. Application: Application for lifeline service shall be filed with the General Manager on such forms as he or she may provide.

E. Time to File: Applications may be filed at any time.

F. Contents of Application: Applications shall be verified by declaration under penalty of perjury and shall contain such information as may be required by the General Manager. An application must be accompanied by the federal income tax return of the applicant and each adult household member for the most recent year. However, if no federal income tax return was filed in the previous year, the applicant shall provide such other documentation reasonably requested by the General Manager to verify the income of the applicant and each adult household member. An application by a disabled person or the head of a household in which a disabled person resides shall be accompanied by a signed statement from a physician or other medical service provider establishing that the disabled person has a qualifying physical disability or requires an essential life support device, as the case may be. An application will not be considered complete and will not be processed without a copy of the tax returns and/or other documentation required by this subsection.

G. Review and Certification: The General Manager shall review each application and shall certify the applicant as eligible for lifeline service if the requirements of subsection B of this section are met.

H. Duration of Eligibility: Eligibility certified by the General Manager shall continue so long as the facts or circumstances supporting it shall exist; provided, however, that eligibility shall automatically terminate with any change in the service address or residence of the eligible individual, or assignment of a different account number by the department because of discontinuance or suspension of service at the request of the service user, and provided further, that such individual may nevertheless apply for a new eligibility determination with each change of address or residence. The General Manager shall have the right to request a copy of the tax returns and other evidence of the income of the applicant and each adult

household member at any time. Eligibility shall terminate if this information shows that the lifeline service recipient no longer qualifies for the lifeline service rate or if the lifeline service recipient refuses or fails to provide the General Manager with the requested documents or information.

I. Duty to Disclose Disqualification: Any service user who has been certified as eligible for the lifeline service rate under this section shall notify the General Manager within ten (10) days of any change in fact or circumstance which might disqualify said individual from receiving such exemption.

J. Penalty for Violation: It shall be a misdemeanor for any person to knowingly apply for or receive the lifeline service rate provided for in this section when his or her eligibility for the lifeline service rate does not exist or ceases to exist. [Added by Ord. No. 2953. Amended by Ord. No. 3678, eff. 10/8/05; 3058.]

8-2-207: RATES AND BILLING FOR COMMERCIAL SERVICE:

The rates to be charged and collected by the General Manager for furnishing and supplying electrical energy and service for general (commercial) lighting and/or power purposes to consumers within the City, and the terms and conditions respecting such rates, shall be as set forth in the Utility Rate Resolution. [Added by Ord. No. 2953; formerly numbered Section 30-26; renumbered by Ord. No. 3058, eff. 2/21/87.]

8-2-208: RATES AND BILLING FOR INDUSTRIAL SERVICE:

The rates to be charged and collected by the General Manager for furnishing and supplying electrical energy and service for combined (industrial) light and power purposes to customers within the City, and the terms and conditions respecting such rates, shall be as set forth in the Utility Rate Resolution. [Added by Ord. No. 2953; formerly numbered Section 30-27; renumbered by Ord. No. 3058, eff. 2/21/87.]

8-2-209: RATES AND BILLING FOR STREET LIGHTING, TRAFFIC SIGNAL AND FREEWAY LIGHTING SERVICE:

The rate to be charged and collected by the General Manager for furnishing and supplying electrical energy and service for ornamental or customer owned (capitalized) street lighting, department owned or overhead (expensed) street lighting, and traffic signal and freeway lighting purposes, to consumers within the City, and the terms and conditions respecting such rates, shall be as set forth in the Utility Rate Resolution. [Added by Ord. No. 2953; formerly numbered Section 30-28; renumbered by Ord. No. 3058, eff. 2/21/87.]

8-2-210: ENERGY COST ADJUSTMENT CHARGE:

[Repealed by Ord. No. 3528, eff. 10/12/99; Added by Ord. No. 2953; formerly numbered Section 30-29; amended by Ord. No. 3210; 3058.]

8-2-211: STATE ENERGY RESOURCES SURCHARGE:

The energy resources surcharge imposed by the State and required to be billed and collected from customers of the Department shall be separately stated and added to each billing, unless exempt. [Added by Ord. No. 2953; formerly numbered Section 30-30; renumbered by Ord. No. 3058, eff. 2/21/87.]

8-2-212: CUSTOMER'S DEPOSIT:

A. Amount: The General Manager, pursuant to the provisions of Section 8-2-203 of this article, shall require any applicant for electric service to furnish a cash deposit in the probable amount of two (2) months' charges for the electricity to be supplied by such service as estimated by the General Manager, or in such amounts as may be specified in the Utility Rate Resolution.

B. Deductions: If any bill for electricity sold, furnished or supplied to such customer shall not be paid on or before fifteen (15) days after the same is due as provided in this article, the amount of such bill may be deducted from the deposit made by such customer. Upon the discontinuation of any service, any balance of such deposit then remaining after all bills for electrical service have been paid, shall be returned to the person by whom such deposit was made. On the failure of any customer to comply with the terms of this article regarding the payment of bills and where the deposit has been refunded, the General Manager may require the customer to reestablish his credit in the manner specified in this section for original service.

C. Delinquency: Where service has been disconnected for nonpayment of bills, it shall not be reconnected or renewed for or furnished to the same customer except upon payment of the entire amount of the bill for electricity previously furnished to the installation. The account of any customer whose service is subject to disconnection for nonpayment of charges or other noncompliance with the provisions of this article or rules and regulations adopted pursuant thereto shall be charged an amount as specified in the Utility Rate Resolution to cover all costs necessary to disconnect the service. In the event the customer turns on the electric service or suffers or causes it to be turned on after it has been turned off for any reason, the General Manager may again turn off the electric service, remove the meter, and may charge an amount specified in the Utility Rate Resolution in addition to other amounts due from the customer before electric service is restored. [Added by Ord. No. 2953; formerly numbered Section 30-31; renumbered by Ord. No. 3058, eff. 2/21/87.]

8-2-213: PAYMENT FOR SERVICE; ENFORCEMENT:

A. Time and Manner Of Paying Bills: Bills, except as may otherwise be provided for in the Utility Rate Resolution, are due and payable on presentation and become delinquent fifteen (15) days after presentation. After a bill is delinquent the General Manager may discontinue electric service and electric service may be turned off at any time without further notice.

B. Unpaid Bills: In the event any bill for electric service is not paid in accordance with the provisions of this article, the Utility Rate Resolution, or the rules and regulations of the General Manager, the amount of such unpaid bill may become a lien upon the property and be collected at the same time and in the same manner as all taxes on real property in the City.

C. Alterations: No alteration, addition, or disconnection in or about any electrical equipment or apparatus of the City electrical system shall be made without written permission granted by the General Manager.

D. Diversion: No owner, lessee, tenant, or other person in possession of or having charge and control of any premises connected to the City electrical system shall connect or maintain any electric consuming device to the line side of an electric meter installed on such premises; nor shall such person connect or maintain any connections or devices of any kind which would prevent the meter from registering the total amount of electricity consumed on the premises and supplied from the City's electrical system. The existence of electric energy consuming devices installed ahead of the meter or any tampering or interfering with wires, devices, or equipment connected to the City's electrical system or the damage to, alteration, or obstruction of any meter, including the breaking of meter seals, which will permit or make possible the use of electric energy without its proper registration on an electric meter shall constitute prima facie evidence of diversion of electric energy in violation of the provisions of this subsection by the customer in whose name service is being rendered or by the person benefitting from the use of such diverted energy. Prima facie evidence of diversion of electrical energy in violation of the provisions of this subsection shall also exist whenever a check meter registers more electrical energy in the same interval of time than does the meter installed at the customer's premises.

E. Computation of Diverted Energy: Whenever the General Manager determines that energy has been diverted he will, in a reasonable manner, compute the amount of diverted electrical energy. The General Manager shall have the right to enter the customer's premises and make an actual count of all electric energy consuming devices to aid in such computation. The computation shall be made for the period beginning with the date on which the customer began using electric energy at the location where diversion occurred, unless evidence proves the diversion commenced at a later date, and ending with the date on which such diversion ceased. Bills for electric energy diverted, plus the cost of investigating and confirming such diversion, shall be due and payable upon presentation.

F. Repairs and Replacements: Any repair to or replacement of City property necessitated by a violation of this article and the installation of any device necessary to prevent further violations of this article, shall be made at the expense of the customer, at the rate specified in the Utility Rate Resolutions.

G. Notice and Pretermination Hearing: Before electric service is turned off for failure to comply with the provisions of this article, the General Manager shall notify the customer that service is to be turned off. If the customer contests the violation, the General Manager shall give the customer a hearing on such notice as may be reasonable under the circumstances. The decision of the General Manager shall be final.

H. Enforcement: Enforcement of the provision of this article may be accomplished in any manner authorized by law. The procedures set forth in this section shall not be exclusive and shall not in any manner limit or restrict the City from enforcing other City ordinances or state laws. [Added by Ord. No. 2953; formerly numbered Section 30-32; renumbered by Ord. No. 3058, eff. 2/21/87.]

8-2-214: RATE REVIEW POLICY:

A. Policy Statements: The utility must remain self-supporting from a financial standpoint and requires rates sufficient to maintain its financial health. Because costs can change suddenly and materially, periodic review of rates and charges is necessary. A periodic review will provide the City with the information needed to maintain adequate rates and charges.

B. Rate Review: The General Manager, either on his own initiative or at the direction of Council, may prepare a report on the utility's rates and charges. This shall include:

(1) An assessment of the utility's revenue requirements utilizing a generally accepted regulatory approach.

(2) Recommended modifications to existing rates or charges.

(3) Any other matter concerning the utility the Director or the Council deem appropriate.

C. Rate Report: The General Manager will present the report to the Public Service Board and the Council. The Council may then direct the General Manager to prepare revised rates and charges for inclusion in the Utility Rate Resolution. [Added by Ord. No. 2953; formerly numbered Section 30-33; renumbered by Ord. No. 3058, eff. 2/21/87.]

ARTICLE 3. SUSTAINABLE WATER USE ORDINANCE

8-2-301: SHORT TITLE:

This article shall be known and may be cited as the "Sustainable Water Use Ordinance."
[Added by Ord. No. 3737, eff. 5/23/08.]

8-3-302: STATEMENT OF POLICY AND PURPOSE:

A. Policy. It is desirable and in the general welfare of the City that the water resources available to the City be put to maximum beneficial use to the extent possible and that waste, unreasonable use or unreasonable method of use be prevented, and that conservation of such water resources be exercised in a reasonable and beneficial manner for the residents and businesses of Burbank.

B. Purpose. Conditions may arise from time to time that will limit the water supply to the City. This article provides procedures to reduce water use citywide and thereby mitigate the effect of a shortage of water resources. Through the use of incremental stages, as appropriate for prevailing conditions, this article provides for increasing levels of water use restrictions and penalties in order to discourage wasteful water use practices and achieve reduced water consumption. [Added by Ord. No. 3737, eff. 5/23/08.]

8-2-303: APPLICATION:

A. The provisions of this article shall apply to all users of potable water service in the City, with the exceptions set forth in subsections (b) and (c) of this section.

B. This article shall not apply to non-domestic use of water for essential public services such as police, fire, or sanitation.

C. This article shall not apply to use of recycled water. [Added by Ord. No. 3737, eff. 5/23/08.]

8-2-304: SUSTAINABLE WATER USE STAGES:

The water use restrictions imposed by this article shall be implemented in four stages. Stage I, consisting of all voluntary measures, shall take effect immediately on the effective date of the ordinance enacting this article. Stages II, III and IV, consisting of mandatory measure, shall require subsequent action of the City Council pursuant to section 30-305. The four stages are as follows:

A. Stage I—Voluntary Actions. In Stage I, water users shall be encouraged by the City to undertake the following sustainable water use practices on a voluntary basis:

(1) DO NOT OVER WATER—Do not water outdoor landscaped areas more than 15 minutes per day three times a week. (Areas watered with drip irrigation systems are exempt from this requirement.)

(2) Do not water outdoor landscaped areas on rainy days and at least two days thereafter.

(3) Do not water outdoor landscaped areas between the hours of 10:00 a.m. to 4:00 p.m.

(4) Adjust sprinklers and irrigation systems to eliminate overspray and avoid run-off into streets, sidewalks, parking lots, alleys or other paved surfaces.

(5) Do not hose or wash driveways, patios, sidewalks, or other paved surfaces.

(6) Promptly repair all leaks from plumbing fixtures and irrigation systems, including but not limited to sprinkler systems.

(7) Do not allow water to run-off into streets, sidewalks, parking lots, alleys or other paved surfaces while washing vehicles.

(8) Do not serve drinking water, unless specifically requested by the customer, in all restaurants, hotels, cafes, cafeterias or other public places where food is sold, served, or offered for sale.

B. Stage II – Mandatory Actions. In Stage II, the voluntary conservation measures applicable in Stage I shall become mandatory along with the following additional measures:

(1) Do not water outdoor landscaped areas more than 15 minutes per day twice a week. (Areas watered with drip irrigation systems are exempt from this requirement.)

(2) Do not water outdoor landscaped areas between the hours of 4:00 p.m. to 6:00 p.m.

(3) Cover all swimming pools, wading pools, or spas when not in use with acceptable protection designed to decrease water evaporation.

C. Stage III—Mandatory Actions. In Stage III, all conservation measures applicable in Stage II shall apply, along with the following additional measures:

(1) Do not water outdoor landscaped areas more than 10 minutes once a week. (Areas watered with drip irrigation systems are exempt from this requirement.)

(2) Do not use outdoor evaporative cooling devices (for example, misters).

D. Stage IV—Mandatory Actions. In Stage IV, all conservation measures applicable in Stage III shall apply, along with the following additional measures:

(1) Do not water outdoor landscaped areas at any time.

(2) Do not fill, refill or add water to outdoor swimming pools, wading pools, or spas. [Added by Ord. No. 3737, eff. 5/23/08.]

8-2-305: IMPLEMENTATION OF SUSTAINABLE WATER USE STAGES:

The mandatory sustainable water use practices provided for in section 30-304 shall be declared by resolution of the City Council. Before adopting any such resolution, the City Council shall hold a public hearing when required by Water Code section 350 or other applicable law. Any such resolution shall contain findings in support of the City Council's decision to impose any mandatory sustainable water use practices, and such findings or

other determinations as may be required to comply with the California Environmental Quality Act. [Added by Ord. No. 3737, eff. 5/23/08.]

8-2-306: ENFORCEMENT:

Any violation of this article shall be subject to enforcement by issuance of an administrative citation pursuant to section 1-108.1 of this Code. Prior to issuance of an administrative citation, the City shall give one courtesy notice requesting voluntary correction of the violation. The General Manager of Burbank Water and Power, or his or her designee, may enter into a written agreement with a customer to resolve any violation provided that such agreement is consistent with the purpose and intent of this article. [Added by Ord. No. 3737. Eff. 5/23/08.]